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TIGARD CITY COUNCIL  
MEETING

DECEMBER 2, 2003 6:30 p.m.

TIGARD CITY HALL  
13125 SW HALL BLVD  
TIGARD, OR 97223



**PUBLIC NOTICE:**

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

**A G E N D A**  
**TIGARD CITY COUNCIL MEETING**  
**DECEMBER 2, 2003**

6:30 PM

- **STUDY SESSION**

- **EXECUTIVE SESSION:** The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. **BUSINESS MEETING**

- 1.1 Call to Order - City Council & Local Contract Review Board
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

2. **VISITOR'S AGENDA (Two Minutes or Less, Please)**

- Tigard High School Student Envoy Angela Jensen
- Tigard Area Chamber of Commerce President Dan Murphy

3. **CONSENT AGENDA:** These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 3.1 Approve Council Minutes for October 20, 21 and 28, November 4, 2003
- 3.2 Authorize the Issuance of a Limited Tax Improvement Bond for the Remaining Unpaid Assessments for the Dartmouth Street Local Improvement District – Resolution No. 03-\_\_\_\_
- 3.3 Local Contract Review Board:
  - a. Award Three-Year Contract with JBI&K for Insurance Agent of Record Services

- b. Award Contract to LRS Architects, Inc., for City Hall and Existing Library Facilities Remodel and Construction Oversight
- 3.4 Approve Budget Amendment No. 11 Transferring One Position from Network Services to Police and Adjusting Appropriations – Res. No. 03-\_\_\_\_\_
- 3.5 Approve Continued Participation in the International Resource Cities Program – Resolution No. 03-\_\_\_\_\_

- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*

4. PUBLIC HEARING (LEGISLATIVE) – BULL MOUNTAIN ANNEXATION PLAN (ZONE CHANGE ANNEXATION [ZCA] 2003-00003/ZONE CHANGE ANNEXATION [ZCA] 2003-00004/ZONE CHANGE ANNEXATION [ZCA] 2003-00005/ZONE CHANGE ANNEXATION [ZCA] 2003-00006)

**ZONE CHANGE ANNEXATION (ZCA) 2003-00003, 2003-00004, 2003-00005, 2003-00005 BULL MOUNTAIN ANNEXATION PLAN**

**REQUEST:** The City of Tigard is proposing to annex 1,378 acres of Washington County known as Bull Mountain through the annexation plan process. State law allows the City to annex territory within an urban growth boundary (UGB) pursuant to a detailed annexation plan, subject to voter approval. If the Tigard City Council approves the annexation proposal, it would set a date for the proposal to be placed on the ballot. **LOCATION:** The unincorporated area is within the UGB. It is generally bounded on the north by Barrows Road, on the east by Tigard City limits, on the south by Beef Bend Road, and on the west partially by 150th Avenue and near Roy Rogers Road. For specific boundary, see vicinity map. **ZONE:** The area includes R-4.5 (Low-Density Residential District; minimum lot size 7,500 square feet), R-7 (Medium-Density Residential District; minimum lot size 5,000 square feet), R-12 (Medium-Density Residential District; minimum lot size 3,050 square feet) and R-25 (Medium High-Density Residential District; minimum lot size 1,480 square feet). **APPLICABLE REVIEW CRITERIA:** The approval standards for annexations are set out in Community Development Code Chapter 18.320 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapters 195.205 and 222; and Metro Code Chapter 3.09.

- a. Open Public Hearing
- b. Staff Report: Community Development Staff
- c. Staff Report: Community Development Department
- d. Public Testimony  
Proponents

#### Opponents

- e. Staff Recommendation
- f. Council Questions
- g. Close Public Hearing
- h. Council Consideration: Resolution No. 03-\_\_\_\_\_.

### 5. PUBLIC HEARING ON A BALLOT MEASURE FOR THE MARCH 9, 2004 ELECTION FOR A MEASURE EXPANDING THE TIGARD CITY LIMITS BY PHASED ANNEXATION

- a. Open Public Hearing
- b. Staff Report: Community Development Staff
- c. Public Testimony
  - Proponents
  - Opponents
- d. Council Discussion
- e. Close Public Hearing
- f. Council Consideration: Resolution No. 03 - \_\_\_\_\_

### 6. COUNCIL LIAISON REPORTS

### 7. NON AGENDA ITEMS

8. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

### 9. ADJOURNMENT

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COUNCIL MINUTES  
SPECIAL JOINT TIGARD CITY COUNCIL,  
TUALATIN CITY COUNCIL AND  
TIGARD-TUALATIN SCHOOL DISTRICT BOARD MEETING  
October 20, 2003

1. SPECIAL MEETING

1.1 Council President Dirksen called the meeting to order at 6:30 p.m.

1.2 Roll Call:

Tigard City Council: Council President Dirksen, Councilors Moore, Sherwood and Wilson

Tualatin City Council: Mayor Lou Ogden, Councilors Barhyte, Boryska, Chrisman, and Harris

Tigard-Tualatin School District Board: Board Chair Chism, Vice Chair Neunzert, Board Members Rutkin, Bartlett, and Albertson

1.3 Pledge of Allegiance

2. Tualatin Police Chief Introduction – Tualatin City Manager Steve Wheeler introduced Kent Barker, to the Councils and School Board members.

3. Construction Update – Tigard-Tualatin School District (TTSD) Superintendent Lowder distributed and discussed the District's Capital Improvement Program Progress Matrix showing the status of the projects. A copy of the matrix is on file with the Tigard City Recorder.

4. Potential Ballot Measures

a. Possible Bull Mountain Annexation vote in March 2004 – Liz Newton

Tigard Assistant to the City Manager Newton reviewed the schedule of the proposed Bull Mountain area annexation activity. Two hearings are coming up for approval of the annexation plan and consideration of a ballot title forwarding the matter to Tigard and Bull Mountain area voters.

Two areas recently added to the Urban Growth Boundary near the City of Tigard will not be included in the Bull Mountain annexation proposal. This area will be reviewed separately as additional study of the issues is needed.

Community outreach meetings are scheduled including 20 Coffee Talks and 3 larger community forums.

- b. Possible Tigard-Tualatin School District, May 2005 Local Option Levy – Steve Lowder

TTSD Superintendent Lowder reviewed the Financial Forecast for FY 2003-04, which was distributed to those attending. A copy of the Forecast is on file with the Tigard City Recorder. If the tax increases proposed by the Legislature are referred to the voters and voters reverse the Legislature's action, the District will be in a significantly negative financial situation, which will result in a reduction of services. Mr. Lowder reviewed the proposed School District local option levy to be placed before voters, which will be to continue the current tax rate; that is, this is not a request for additional dollars from taxpayers. The local option levy ballot measure will be necessary regardless of whether the state measure for increased taxes passes or fails.

Tigard Councilor Moore noted he would prefer to see budgeting authority for school districts be returned to local jurisdictions. Discussion followed on the group reviewing the Oregon tax structure and the opportunities to rework the tax system to fund government programs.

- c. Possible creation of a Park and Recreation District

Mr. Steve Clark was present and he was invited to update the group on discussions about a special district to fund non-academic programs. Formation of a Park and Recreation District might present an opportunity to fund some of the programs (e.g., swim centers and school resource officers). Formation of such a district would be complicated and would need review and approval by Washington and Clackamas Counties as well as the cities of Tigard, Tualatin, King City and Durham. Information on the possible creation of a park and recreation district with regard to the schedule of potential levy amounts was distributed to those present at the meeting. A copy of this information is on file with the Tigard City Recorder.

After lengthy discussion, there was a suggestion that a subcommittee be formed with representatives from the affected jurisdictions. Mr. Lowder offered the District's assistance in facilitating and hosting the meetings of the subcommittee. Consensus of Tigard and Tualatin Council members was that they would like to discuss and review the matter further at one of their upcoming Council meetings. People were asked to contact Susan Stark

Haydon at the School District if interested in working on the park and recreation district issue.

d. Possible Tualatin Parks or Library Levy – Steve Wheeler

Tualatin City Manager Steve Wheeler advised a parks or library levy proposal is under discussion in Tualatin. The park levy being considered would be for a capital bond (\$.16/\$1000 of assessed valuation) along with a concurrent operating levy (\$.06/\$1000 of assessed valuation). He also referenced the hope for collaborative use of TTSD property, specifically, a site along Avery Street.

Mr. Wheeler described the proposal under consideration for the library to enhance the existing facility. Capital bond amount would be \$.14/\$1000 of assessed valuation accompanied by an operating levy request of \$.12/\$1000 of assessed valuation. If the WCCLS Local Option Levy is approved by voters, then the operating levy request would not be needed.

e. Washington County Cooperative Library Services (WCCLS) Local Option Levy, May 2004

Tigard Assistant to the City Manager Newton advised that if adopted, this levy would mean about \$.25-.26/\$1000 of assessed valuation. This levy will restore operating funds to libraries in the County and is critical for the operation of the new Tigard library. Because this ballot measure will be on the May ballot, a double majority will be needed in order to pass.

Meeting recessed at 7:42 p.m.

Meeting reconvened at 7:51 p.m.

5. Economic Outlook for the Tigard-Tualatin School District - if the recent legislative changes are referred to a vote.

(Reviewed during Item 3.b. above.)

6. Pedestrian Bridge of the Tualatin River – Steve Wheeler, Paul Hennon (PowerPoint presentation)

Tualatin Community Services Director Paul Hennon reviewed a PowerPoint slide presentation for this project. A copy of the presentation is on file with the Tigard City Recorder. The City of Tualatin will manage the project. Tualatin, Tigard and Durham submitted a joint funding application to ODOT in 2003 and the bridge is allocated to receive \$990,000. The estimated project budget is \$1.39 million

and a \$400,000 match will be funded by Tualatin, Tigard, and Durham. It is anticipated that construction would begin in spring 2005 and the bridge would be completed in the fall 2005.

There was discussion on safety concerns for pedestrians as well as the integrity of the 100+-year old existing bridge, which will also serve the commuter rail system. Separation of pedestrians and the trains will be provided by a physical separation and fence. The bridge is structurally sound and was inspected during the commuter rail studies. Trails will be extended to connect to the bridge.

Status of the project is to receive funding from the state and complete intergovernmental agreements among Tigard, Tualatin, and Durham.

7. Youth Assets Survey – Implementation Activities – Susan Stark Haydon

TTSD Community Relations Director Stark Haydon reviewed information from the Clay Roberts October 8 presentation on the profile of youth's assets within TTSD. She shared information from the small-group discussions held on October 8, listing ideas of what the communities of Tigard and Tualatin would look like if they were considered to be the best cities in the nation to live in and raise young people.

Tigard Assistant to the City Manager reported on the Youth Advisory Council start up successes. She talked about the energy of this group and how once parameters are set the kids do the work to develop programs and activities (i.e., developing their own web site and cable television program). The Youth Advisory Committee has been challenged to engage their peers in activities. She referred to the importance of getting as many adults as possible involved to interact with the youth and to provide a variety of role models. Tigard Mayor Griffith's Youth Forum is also encouraging the Youth Advisory Council. The Tigard and Tualatin Youth Advisory Councils will hold a joint meeting this week.

Ms. Stark Haydon also distributed a brochure, *150 Ways to Show Kids You Care*.

Tualatin Mayor Ogden noted he learned recently of a community in the mid-west that provides an after-school event every Friday night. Tigard Council President Dirksen noted there is a church in the area that offers a meeting place for kids after events such as football games.

8. Other

TTSD Superintendent Lowder gave an update on the bomb threat received this morning through a voice mail message picked up by a staff member after 8 a.m. at Tigard High School. Officials decided that the school would not be evacuated;



purses and backpacks were searched. Mr. Lowder said he believes officials responded appropriately and the follow-up measures went well. He praised the Tigard Police Department in their response with 8 police officers and a detective.

Assistant to the City Manager Newton advised that a new medical center (hospital) is being built in Newberg. Representatives would like an opportunity to share information about the new facilities and services with the Tigard and Tualatin communities.

9. Adjournment: 8:28 p.m.

Attest:

\_\_\_\_\_  
Catherine Wheatley, City Recorder

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

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COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
October 21, 2003

1. WORKSHOP MEETING

- 1.1 Council President Dirksen called the City Council meeting to order at 6:30 p.m.
- 1.2 Roll Call: Council President Dirksen, Councilors Moore, Sherwood & Wilson
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non Agenda Items:

Assistant to the City Manager Newton noted discussion items to be scheduled during the Non Agenda portion of the meeting (No. 9): Bull Mountain proposed annexation community meetings; sign code (realtor signs/letters); planned development code review; participation/representation on the recreation district task force

2. JOINT MEETING WITH THE INTERGOVERNMENTAL WATER BOARD –  
UPDATE ON LONG-TERM WATER SUPPLY

Intergovernmental Water Board (IWB) Members Present: Patrick Carroll, Norm Penner, Bill Scheiderich, Dick Winn

Assistant Public Works Director Koellermeier presented an update to the Council and IWB members present. The PowerPoint slide presentation highlighting Mr. Koellermeier's review is on file with the City Recorder.

City of Portland wholesale water contract negotiations are now focused on a comparative rate structure. Negotiation participants have brought to Portland's attention the lower rates offered by other water providers such as the Joint Water Commission and the Willamette River water resource.

Joint Water Commission membership for Tigard is on "track." Two weeks ago the JWC Board agreed in principle to accept Tigard as a member. An agreement is being drafted and should be available for Tigard and the member jurisdictions to review within the next couple of weeks. Initially, Tigard will have no water rights and will have no front-end buy-in costs. Tigard will be a leaseholder until capacity-increasing projects (raw water pipeline and Scoggins Dam raise) are permitted. As the new capacity is created, Tigard will gain some water rights.

Mr. Koellermeier reported on the Joint Funding Agreement with the Integrated Water Resource Management (IWRM) Water Feasibility Study. Tigard Council will consider a second amendment to the funding agreement at its October 28, 2003, Council meeting. The City is one of eleven (11) partners undertaking this study. The purpose of the study is to study the feasibility of alternative approaches to increasing the water supply in the basin. The first phase of the project is now complete.

Three of the original members in the project, Cornelius, Banks, and North Plains, have elected to withdraw from future participation in the project. Their water allocation and future costs have been reallocated to the remaining members.

In addition, this amendment has been created to commit the funding for the next phase of the project. Tigard's share of the next phase, the environmental impact statement and the permitting phase is currently estimated to be \$239,536 in FY '03/04 and \$389,490 in FY '04/05.

Mr. Koellermeier reviewed the short-term water projects, including the aquifer storage recovery (ASR) program and the Alberta Rider School Reservoir. The second phase to the ASR has been approved by the IWB for a new production well and a new test well. Agreement has been reached for the Rider School Reservoir location. Test borings will be drilled by the end of October.

The IWB and Council are scheduled to meet again on November 25 to review the JWC Agreement. A general update to the IWB and Council is scheduled for January 20, 2004.

Tom Vanderplaat of Clean Water Services updated the group on the status of the Scoggins Dam raise. The feasibility study phase is nearing the end. He noted progress toward entering the implementation phase and the fact that participating jurisdictions have front-ended the costs, some of which are expected to be reimbursed by the Federal Government. Congressional review and permits from the Bureau of Reclamation will be needed.

### **3. JOINT MEETING WITH THE SENIOR CENTER BOARD**

Risk Manager Mills introduced this agenda item and Senior Center Director Karen Gardner. Several Board and Steering Committee members were present. City of Tigard and Loaves and Fishes have been partners in the operation of the Tigard Senior Center for more than 20 years. Ms. Gardner reviewed a PowerPoint slide presentation, which is on file with the City Recorder. Her review included information on Senior Center services (nutrition, information, healthy living, volunteer opportunities, socialization, education, and referrals for services). The assistance given to the Senior Center from the City of Tigard makes it the best supported senior

center in Washington County. The Tigard service area has the highest proportion of 60+ and 75+ seniors of any area in the County.

It is expected that the senior populations of 65+ will grow 124% in the next 18 years. There was discussion about the need to plan now so the center will be able to continue to provide services for the increased numbers of senior citizens expected.

Ms. Gardner noted appreciation to the City of Tigard for providing an Internet connection to the Center at no charge.

#### 4. UPDATE ON PURCHASING AND CONTRACT MANUAL

Accounting Manager Imdieke and Risk Manager Mills presented the status report on the effort to develop and implement a Purchasing and Contracts Manual on a citywide basis. The Manual serves as a guide to be followed by all City employees involved in the purchasing and contracting processes. Employee training on the manual will be offered during the month of November, with an implementation date of December 1, 2003.

#### 5. REVIEW OF THE CITY OF TIGARD AND TRI-MET MEMORANDUM OF UNDERSTANDING AND LOCAL AREA PLAN

Community Development Director Hendryx presented the staff report and introduced representatives from Tri-Met. Since June 2003, City and Tri-Met staff have met to discuss enhanced transit service in Tigard.

Council reviewed with staff and Tri Met representatives the draft Memorandum of Understanding (MOU) dealing with "Tigard Access Planning." The MOU is intended to provide a framework for forming a partnership between Tri-Met and Tigard to improve local transit service. Council adoption of the MOU is tentatively set for November 18, 2003.

The Tigard Local Area Plan is more detailed than the MOU and spells out Tri-Met's proposed approach and timeline relative to identifying and implementing potential local transit capital improvements. Plans are to begin implementing the Tigard Local Area Plan by the end of this year. An intensive public outreach program is planned for the Fall of 2004. Tri-Met officials plan to visit with the Council in late 2004/early 2005 to present the findings about what improvements are needed. The capital improvement projects will be recommended for approval in 2005.

Council noted the proposed MOU was "nice" but it was not as definitive as they hoped it would be. No goals were outlined. Council members expressed hope that improvements would, in fact, be forthcoming.

## 6. PREVIEW OF PROPOSED STREET MAINTENANCE FEE DRAFT ORDINANCE AND RESOLUTION

City Engineer Duenas reviewed this item with the Council. The PowerPoint slide presentation highlighting Mr. Duenas' comments is on file with the City Recorder. Council previewed the draft ordinance and resolution.

City Engineer advised that he learned at a recent meeting that gas tax funds are unrestricted, which means there will be greater flexibility of the funding mix for both potential street maintenance projects and gas tax capital improvement projects.

Councilor Sherwood noted several wording changes she would like to have reflected in the proposed ordinance:

- On Page 2, No. 2, the words "other governing costs" should be changed/removed.
- On Page 4, under Section 15.20.050, remove Item No. 3. Mr. Duenas noted the City Attorney had added this section and Councilor Sherwood asked that the Attorney explain the need for this section at or prior to the November 18 meeting at which time the ordinance will be presented for Council consideration.
- On Page 5, Councilor Sherwood noted concerns about when the ordinance would be reviewed. The ordinance is proposed to be reviewed after the first year to determine whether the funding levels set for the five-year maintenance program had been met. The ordinance is also required to be reviewed every three years. Councilor Sherwood emphasized that if unanticipated revenue is received by the City for street maintenance, then the street maintenance fee is to be reduced. She noted this was part of the agreement reached (and Council President Dirksen concurred), with the business community members who worked on a compromised street maintenance fee proposal.
- On Page 6, Section 15.20.080, Section 1, Councilor Sherwood noted concerns about appeals being submitted to the City Engineer. There was discussion on the appeal process.

Joe Gilliam of the Oregon Grocery Association was present and invited to address the Council. He noted that if a "windfall" should come to the city to help with street maintenance costs, then the extra dollars should be used to suppress rates for residents.

The ordinance will be brought to the Council for its consideration on November 18, 2003.

## 7. COMMUNICATION PLAN UPDATE

Assistant to the City Manager Newton presented information to Council on this agenda item. She presented a written report on the City's communication efforts, including the Focus on Tigard cable television program, the internal document used by staff known as the "Communication Plan," press releases, Community Connectors, cable television programming, *Cityscape*, the web site, and the TVTV Bulletin Board.

At a recent Mayor's Blue Ribbon Task Force, the suggestion was made that the city pursue the formation of neighborhood associations. City staff investigated the formation of neighborhood associations a number of years ago but recommended to Council that a neighborhood association program not be formed due to the cost needed to implement the program.

Staff proposes to do some initial research by contacting cities with neighborhood associations to gather information on structure, costs, benefits and disadvantages of neighborhood associations. Staff will present the findings to City Council with the communication plan update in April 2004. Council consensus was that staff should limit the time spent on researching this issue as the Council was hesitant about the benefit of establishing neighborhood associations given the City's past experiences and the observation that people are very busy and have little time to attend meetings. Councilor Wilson noted that the "Community Connector" program appears to be serving as the "high tech" method of supplying information to interested neighborhoods.

## 8. COUNCIL LIAISON REPORTS: None

## 9. NON-AGENDA ITEMS

- Bull Mountain proposed annexation community meetings: Community Development Director Hendryx reviewed the "Coffee Talks" scheduled and Councilor members agreed to attend as follows:
  - October 30 – Councilor Wilson
  - November 5 - Councilor Sherwood
  - November 13 – Council President Dirksen
  - December 10 – Councilor Wilson
  - December 18 – Council President Dirksen
- Sign Code Letters – a number of realtors have sent letters to the Council noting issues with the sign code relating to real estate signs. Community Development Director noted staff's position with regard to zero tolerance of signs located within the right of way because of safety concerns. Staff plans to meet with realtors to

talk about whether the sign code can be amended and an application for a code amendment is expected soon.

- Planned Development Code Review – Council members had indicated that they would like to review this section of the Community Development Code. Community Development Director Hendryx advised that this matter was scheduled on the Council's tentative agenda schedule for a review in November. Prior to that time, Council President Dirksen and Councilor Sherwood would like to visit with Planning Commission Chair Padgett and Planning Manager Bewersdorff about some concerns regarding the density bonus and lot-size provisions of the Code.
- Participation/representation on the recreation district task force. At the October 20 meeting with the Tigard Tualatin School District Board and the Tigard and Tualatin City Councils, it was suggested that a task force be formed to investigate formation of a recreation district to help alleviate funding shortfalls being experienced by the School District. Councilor Wilson expressed reservations about whether this idea was well thought out or would provide that much help to the District. After discussion, the consensus of the Council was to participate. Councilor Dirksen advised he would be willing to serve on the Task Force.
- Councilor Moore reminded Council members of their commitment to contribute \$20 each toward a local-area restaurant gift certificate as their contribution for a fundraising event sponsored by the Atafalati group. City Recorder will put together a small basket of City-related items (i.e., coffee cups, pencils, etc.) to add to the gift certificate.

10. EXECUTIVE SESSION: Not held

11. ADJOURNMENT: 9:37 p.m.

9. EXECUTIVE SESSION: Not held.

10. ADJOURNMENT: 9:16 p.m.

\_\_\_\_\_  
Catherine Wheatley, City Recorder

Attest:

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

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COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
October 28, 2003

- STUDY SESSION

Meeting was called to order at 6:32 p.m.

Council Present: Mayor Griffith; Councilors Dirksen, Moore, Sherwood, and Wilson.

- > NEW TIGARD LIBRARY PROJECT UPDATE

Library Director Margaret Barnes reviewed the recent events and accomplishments related to the new Tigard Public Library. The new library project remains on schedule and within budget. As a result of being within the budget the project now has the opportunity to add some additional features to the new library. These features include: enhancements to the Community Meeting Room, the development of the Coffee Bar and additional furnishings for public spaces. To fully implement these enhancements, project financial resources will now need to be allocated to targeted areas.

Hall Street Boulevard work is expected to be completed in November.

Council will tour the construction site on Saturday, November 22, at 9 a.m.

- EXECUTIVE SESSION: Not held.
- ADMINISTRATIVE ITEMS:
  - TVF&R Lunch rescheduled to December 3 at noon.
  - Bull Mountain – meeting calendar reviewed. First Coffee Talk will take this place on Thursday, October 30.
  - The Land Use Board of Appeal oral argument in the Media Art case has been rescheduled to November 20, 6 p.m. at Lewis and Clark Law School



- Revised Resolutions for Consent Agenda Items 3.3 and 3.4. These agenda items both contain resolutions for the Council's consideration. The effective date of the resolution was not specified in the draft resolutions. The revised resolutions note that each resolution is effective immediately upon passage. This is the only change to the resolutions.
- Consent Agenda Item No. 3.6 – A copy of an e-mail message from Councilor Wilson was distributed to Council wherein he advised that he will not be voting on this item due to a potential conflict of interest. This item was removed for separate consideration on the Consent Agenda so that Councilor Wilson was able to vote on the remaining Consent Agenda items.
- Agenda Item 7 – Ash Creek Estates Planned Development Final Order – City Attorney Gary Firestone advised Council on options regarding public input on the final order. Accepting new testimony is not required unless the Council believes new information is presented in the materials staff has provided with regard to the adoption of the Final Order.

## 1. BUSINESS MEETING

- 1.1 Mayor Griffith called the meeting to order at 7:31 p.m.
- 1.2 Roll Call: Mayor Griffith; Councilors Dirksen, Moore, Sherwood, and Wilson.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

## 2. VISITOR'S AGENDA

- Mr. John Frewing, 7110 SW Lola Lane, Tigard, Oregon, requested the Ash Creek Estates Hearing (reference Agenda Item No. 7) be reopened to allow him to provide clarification and respond to testimony and new evidence provided by other parties at the August 12 and September 9 hearings before the Council. Mr. Frewing cited his reasons for the request for a continuance. City Attorney Firestone responded to Mr. Frewing's request just prior to the Council consideration of Agenda Item No. 7 noting that the Council could proceed with consideration of the proposed resolution unless the Council believed new evidence had been presented. Mr. Frewing's reference to his request for a continuance in his August 29, 2003, communication did not apply as the state statute Mr. Frewing referenced applied to the first evidentiary hearings, which was at the Planning Commission.
- Mr. Dan Murphy, 14070 SW Hall Boulevard, Tigard, Oregon presented the Council with a "star plaque" noting appreciation by the Broadway Rose Theatre Company for the City's support of the Theatre's 12th season.

3. **CONSENT AGENDA:** Motion by Councilor Moore, seconded by Councilor Sherwood to adopt the Consent Agenda, except for Agenda Item No. 3.6, which was considered separately:
  - 3.1 Approve Council Minutes for September 23, and October 7 and 14, 2003
  - 3.2 Receive and File
    - a. Council Goal Update – Quarter 3 – 2003
  - 3.3 Approve the Submittal of an Application for a Land and Water Conservation Fund Grant to Provide Partial Funding of the Cook Park/Durham Segment of the Tualatin River Pedestrian Trail – Resolution No. 03-56
  - 3.4 Initiate Vacation Proceedings for a Portion of Public Right-of-Way Known as SW 74th Avenue (VAC2003-00001) – Resolution No. 03-57
  - 3.5 Approve the Washington County Cooperative Library Services Public Library Services Agreement
  - 3.6 Considered separately – see below.
  - 3.7 Local Contract Review Board:
    - a. Award the Contract for Engineering Services for the Next Phase of the Aquifer Storage and Recovery System Expansion to Groundwater Solutions, Inc. and Murray Smith and Associates, Inc.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Councilor Dirksen advised of a potential conflict of interest with Item No. 3.6 as his landscaping firm submitted a proposal to Montgomery Watson Harza to furnish services in conjunction with the preparation of the environmental impact statement for this project. Subsequently Montgomery Watson Harza was selected as the consultant for that work and Councilor Wilson expected his firm would soon enter into contract negotiations. Councilor Wilson left the Council desk during the vote and did not participate in the vote on Item 3.6

Motion by Councilor Moore, seconded by Councilor Dirksen, to approved Consent Agenda Item 3.6:

- 3.6 Approve an Amendment to the Joint Funding Agreement for Integrated Water Resource Management Water Supply Feasibility Study

The motion was approved by a unanimous vote of the Council members who voted:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Did not vote.

4. PRESENTATION ON THE NEW PROVIDENCE NEWBERG MEDICAL CENTER AND HOSPITAL

Mr. Art Lutz introduced this agenda item and representatives of the new Providence Newberg Medical Center. Mr. Mark May gave a presentation on the medical center and hospital. The \$58 million regional medical facility will offer enhanced outpatient and inpatient services. A community forum will be held at the Tigard Water building on Monday, November 3, 7-8 p.m. to share information about this new facility.

5. (LOCAL CONTRACT REVIEW BOARD ITEM [LCRB])CONSIDER APPROVING CHANGE ORDERS TO THE HALL BOULEVARD IMPROVEMENT PROJECT

- a. City Engineer Duenas presented this item; a copy of the staff report is on file with the City Recorder.
- b. After discussion clarifying the type of work that was done for the fish culvert, motion by LCRB Member Sherwood, seconded by LCRB Member Wilson, to approve the change orders to the contract with Eagle Elsner for the Hall Boulevard improvement project and authorize additional changes up to 10% of the original contract amount without further action.

The motion was approved by a unanimous vote of LCRB members present:

Board Chair Griffith	-	Yes
LCRB Board Member Dirksen	-	Yes
LCRB Board Member Moore	-	Yes
LCRB Board Member Sherwood	-	Yes
LCRB Board Member Wilson	-	Yes

6. UPDATE ON YOUTH COURT

Municipal Judge Michael O'Brien, Court Manager Nadine Robinson, and Washington County Juvenile Department Representative Mike Krueger presented

an update to the City Council. The Youth Court program for first offenders was developed in response to a 1999 statute authorizing municipal courts to assume jurisdiction over certain categories of juvenile offenses. The current program was reviewed and approved by Council and the Washington County Circuit Court in 2002. The program has been continually refined in cooperation with the Tigard Police Department, Tigard Peer Court, the Washington County Juvenile Department and the Washington County District Attorney.

There was no objection by the Council regarding the following recommendation by presenters: "The large majority (92%) of participants, with the active involvement of one or more parents, has successfully completed the Youth Court program. Recidivism and noncompliance rates have remained very low. At current levels, the Youth Court's caseload has not imposed any significant burdens on court staff or budgets. We therefore recommend that the Youth Court program continue, subject to further evaluation as part of the Municipal Court's annual review of operations next spring."

7. CONSIDER FINAL ORDER REGARDING THE ASH CREEK ESTATES PLANNED DEVELOPMENT (SUB2003-00010/PDR2003-0004/ZON2003-0003/SLR2003-00005/VAR2003-00036/VAR2003-00037)

ITEM ON APPEAL: On July 7th, 2003, the Tigard Planning Commission held a public hearing to consider an application to Subdivide 9.36 acres for a 29-lot single-family detached housing Planned Development Subdivision; Sensitive Lands Review for areas with steep (>25%) slopes, a drainage way and wetlands and; adjustments to the cul-de-sac length standard, maximum number of units permitted on a cul-de-sac, and to the street grade on SW 74th Avenue. The Planning Commission moved to deny the applications which failed in a 4-4 tie vote, then moved to approve the applications, which also failed in a 4-4 tie vote. Based on the Commission's by-laws and Robert's Rules of Order, without a majority affirmative vote, the application is denied. Since no motion was approved, no findings in support or against the application were adopted. The City Council is therefore, essentially rehearing this application to make a final determination as to whether or not it meets the relevant criteria of the Development Code. LOCATION: 9750 SW 74th Avenue; WCTM 1S125DC, Tax Lots 300 and 400. ZONE: R-4.5: Low-Density Residential District. APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.350, 18.370, 18.380, 18.390, 18.430, 18.510, 18.705, 18.715, 18.725, 18.745, 18.755, 18.765, 18.790, 18.795 and 18.810.

- a. Associate Planner Morgan Tracy presented the staff report, which is on file with the City Recorder.

- b. City Attorney Firestone responded to Mr. Frewing's request just prior to the Council consideration of Agenda Item No. 7 noting that the Council could proceed with consideration of the proposed resolution unless the Council believed new evidence had been presented. Mr. Frewing's reference to his request for a continuance in his August 29, 2003, communication did not apply as the state statute Mr. Frewing referenced applied to the first evidentiary hearings, which was at the Planning Commission.
- c. Motion by Councilor Dirksen, seconded by Councilor Sherwood, to approve Resolution No. 03-58. During discussion on the motion, Council members indicated they did not believe the proposed findings contained new information.

RESOLUTION NO. 03-58 – A RESOLUTION AND FINAL ORDER APPROVING THE ASH CREEK ESTATES SUBDIVISION (SUBDIVISION (SUB) 2003-00010/PLANNED DEVELOPMENT REVIEW (PDR) 2003-00004/ZONE CHANGE (ZON) 2003-00003/SENSITIVE LANDS REVIEW (SLR) 2003-00005/ADJUSTMENT (VAR) 2003-00036/ADJUSTMENT (VAR) 2003-00037), ADOPTING FINDINGS AND IMPOSING CONDITIONS.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

8. CONSIDER AMENDING RESOLUTIONS NOS. 03-25 AND 02-28 TO INCREASE CERTAIN FEES FOR ENGINEERING AND LAND USE PLANNING

Budget and Finance Analyst Michelle Wareing presented the staff report on staff's recommendation that the Council adopt the proposed resolution to amend the Master Fees and Charges Schedule and update certain fees. Letters to the Homebuilder's Association were sent; no response was received.

Motion by Councilor Moore, seconded by Councilor Dirksen, to adopt Resolution No. 03-59:

RESOLUTION NO. 03-59 - A RESOLUTION AMENDING RESOLUTIONS NO. 03-25 AND NO. 02-38 BY AMENDING EXHIBIT A THERETO AND INCREASING CERTAIN FEES FOR ENGINEERING, LAND USE PLANNING,

AND MODIFYING THE INDEX PERIOD USED FOR THE ANNUAL  
ADJUSTMENT OF THE LAND USE PLANNING FEES

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

- 9. COUNCIL LIAISON REPORTS: None
- 10. NON AGENDA ITEMS: None
- 11. EXECUTIVE SESSION: Not held.
- 12. ADJOURNMENT: 8:47 p.m.

Attest:

\_\_\_\_\_  
Catherine Wheatley, City Recorder

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

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COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
November 4, 2003

- STUDY SESSION

Councilor Moore called the meeting to order at 6:32 p.m.

Council Present: Mayor Griffith (arrived at 7:10 p.m.); Councilors Moore, Sherwood, and Wilson.

- Review Shelter Options for Fanno Creek Park

Public Works Director Ed Wegner and Parks Manager Dan Plaza reviewed the shelter options for Fanno Creek Park. Mr. Plaza advised that he thinks there is ample space at the site next to the new library building for the shelter and four parking spaces. Council and staff reviewed the options. Councilor Dirksen was not in attendance; however, he had forwarded a message to the City Council that he favored the shelter presented in Photo No. 3 in the Council packet materials.

Council discussed siting of the shelter advising that they would like to have the shelter as far from the road as possible with consideration also of the proximity to the trees on the site.

The shelter construction could wait until after the library is done. This would also facilitate getting this item in the budget for the next fiscal year. The shelter would be located at the site where a house had been, which burned down. Approximately \$20,000 from the insurance proceeds remain after clearing away the house and cleaning up the site.

Councilors Moore and Sherwood indicated that they agreed with Councilor Dirksen and chose as their favorite the shelter shown in Photo No. 3 as presented in the Council packet. Councilor Wilson noted his preference for a shelter shown on Photo Page No. 1 (bottom right). Councilor Wilson advised that he would prefer that the Shelter not be the focal viewpoint from the library.

Councilor Moore commented that the City could consider \$50,000 toward the cost of the shelter and the four parking spaces. City Manager Monahan

noted that this item would be placed in the capital improvement program proposals for review during the budget process.

In addition, staff will notify the State that the City will be considering the shelter in the 2004 budget process and ask that the access to this site from Hall Boulevard be preserved.

➤ Summarize Options Under Consideration for the Bull Mountain Annexation Plan

Community Development Director Jim Hendryx presented the options that would be under consideration by the City Council regarding the Bull Mountain Annexation Plan. This is a land use issue. He noted that the Comprehensive Plan needs to be updated regardless of the outcome on the vote on the Annexation Plan. Mr. Hendryx reviewed the Key Decisions as outlined in a handout he distributed, which is on file with the City Recorder. He noted the sequencing of the areas can be in any order except for the area identified as “west” -- the “west” area must be last. It was noted that Councilor Dirksen had sent a message to the Council that he would prefer the sequence of annexation occurs as follows: east, south, north, and west.

➤ Administrative Items

- Revised Agenda items were distributed:
  - Item 3.4 – Amend Resolution No. 03-58
  - Proclamation – Recycling Awareness Week
- Coffee Talks regarding the Bull Mountain Annexation Plan. There was brief discussion on the coffee talk for tomorrow night. It was also noted that information needs to be distributed to City of Tigard residents as well as Bull Mountain residents. The County has done its 5<sup>th</sup> reading of the ordinance to collect SDC's on new construction on Bull Mountain once the City Council forwards a ballot measure to the County Elections Division regarding the Annexation Plan.

-  
Mayor Griffith arrived – 7:10 p.m.

- Council Meetings in January
  - Goal Setting – Council agreed to a January 12 goal-setting meeting in the afternoon.
  - Business Meeting – State of the City – January 13
  - Strategic Planning – Transportation – Council agreed to meeting at 5 p.m. Strategic Planning Meeting, which will continue into the evening. This meeting would take the place of the regular workshop meeting scheduled for January 20.
  - Business Meeting – January 27



- Visitor's Agenda – Mr. Leland Morris may be present. Council received an e-mail communication from Engineering Manager Vannie Nguyen explaining her contacts with Mr. Morris and that he might speak to the Council at the Visitor's Agenda.
- Focus on Tigard – Moderator for November 6, 10 a.m. – Councilor Sherwood agreed to moderate this broadcast.
- Rescheduled TVF&R Lunch – Noon, December 3 – Burnham Street Fire Station.
- New Library Tours – December 6 – 9 a.m.
- Library Monument Sign Proposals – Council noted a preference for the new conceptual design of a sign for the Library over keeping the signs at the Civic Center and the Tigard Water Building. It was suggested that the old signs be replaced with new signs that would be similar to the new Library signs.

- EXECUTIVE SESSION: Not held

Meeting recessed at 7:29 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the City Council & Local Contract Review Board to order at 7:35 p.m.
- 1.2 Roll Call: Mayor Griffith; Councilors Moore, Sherwood, and Wilson.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

> PROCLAMATIONS

Mayor Griffith proclaimed November 8 – 15 as Recycling Awareness Week and November 11, 2003 as Veterans Day.

2. VISITOR'S AGENDA (Two Minutes or Less, Please)

- Tigard High School Student Envoy Angela Jensen presented an updated on activities at the high school.
- Tigard Area Chamber of Commerce President Dan Murphy noted November calendar events for the Chamber of Commerce.

3. CONSENT AGENDA: Motion by Councilor Sherwood, seconded by Councilor Wilson, to approve the Consent Agenda as follows:

- 3.1 Receive and File:
  - a. Council Calendar
  - b. Tentative Agenda
- 3.2 Accept Bid and Approve the Sale of Surplus Real Property Located at 13050 SW Walnut Street – Resolution No. 03-60

- 3.3 Local Contract Review Board:  
a. Approve the Purchase of a 10-Yard Dump Truck Utilizing a City of Gresham Invitation to Bid Process
- 3.4 Amend Resolution No. 03-58 Approving the Ash Creek Estates Planned Development to Correct the Referenced Date of the Applicant's Letter Establishing the Conditions of Approval – Resolution No. 03-61

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

#### 4. REVIEW BULL MOUNTAIN ANNEXATION PLAN

Community Development Director Hendryx presented the staff report, which is on file with the City Recorder.

Council discussed the phasing options at length reviewing the advantages of phasing in portions of the Bull Mountain area versus the advantages of annexing the whole area all at once. Council members indicated preference for a phased-in approach so that the City could “ramp up” to provide services incrementally as the areas were brought into the City. This would give the City an opportunity to hire and train police officers to be ready in anticipation of those areas that would be brought into the City in phases. There was discussion about how a phased-in annexation plan would also give staff time to do some planning for parks, noting that an intergovernmental agreement with Washington County would be needed to implement plans in those areas not yet in the City of Tigard that would be annexed later.

Motion by Councilor Wilson, seconded by Councilor Sherwood, to direct staff to finalize the annexation plan using a three-phase annexation that would incorporate the timing and sequencing of areas identified as follows: East – 2004; South – 2005; West and North (together) – 2006.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Councilor Moore clarified for the record that the Council's action tonight was not to annex. The above motion was to give direction to staff about what to include in the proposed Annexation Plan with regard to timing and sequencing for areas to be annexed to the City of Tigard if the voters approve the Plan. A public hearing on the annexation plan and potential ballot measure for voters to approve the annexation plan is scheduled for December 2, 2003.

5. COUNCIL LIAISON REPORTS: None
6. NON AGENDA ITEMS: None
7. EXECUTIVE SESSION: Not held.
8. ADJOURNMENT: 8:46 p.m.

Attest:

\_\_\_\_\_  
Catherine Wheatley, City Recorder

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

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AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF December 2, 2003

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A RESOLUTION AUTHORIZING THE ISSUANCE OF A LIMITED TAX IMPROVEMENT BOND FOR THE REMAINING UNPAID ASSESSMENTS FOR THE DARTMOUTH STREET LOCAL IMPROVEMENT DISTRICT.

PREPARED BY: Craig Prosser DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Should the Council authorize the issuance of bonds to complete the financing of the Dartmouth Local Improvement District?

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STAFF RECOMMENDATION

Approve issuance of bonds

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INFORMATION SUMMARY

The City of Tigard created the Dartmouth Local Improvement District in the 1980s, completed the project, and spread a final assessment of project costs to benefiting property owners in the 1990s. Two property owners, Gordon R. Martin and Gordon S. Martin challenged their assessments in a series of court cases and appeals. The City of Tigard prevailed in each of these court actions. This summer, the Oregon Supreme Court declined to hear the Martins' final appeal. With the conclusion of the appeals, the assessment became due and payable.

The Martins and a third property owner (who bought a portion of Gordon R. Martin's holdings) have applied to finance the principal portion of their assessments over a 10 year period as allowed by Oregon law and City Code.

The City of Tigard issued a request for proposals for a bank to provide 10 year financing for the remaining Dartmouth LID assessments. Two proposals were received, with Bank of America submitting the winning proposal with an interest rate of 3.95%. The attached resolution authorizes issuance of these bonds.

The interest of 3.95% on the bonds will be passed on to the remaining property owners along with a "bump rate" of 1.25% to cover City administrative costs and to help protect against any future delinquencies. The effective interest rate to the property owners will, therefore, be 5.20%.

The issuance of these bonds does not affect the obligation of the property owners to pay accrued interest from the date of the final assessment in 1998. The City began charging interest on the principal amount of the assessments according to City Code from the date of the assessment. Gordon R. Martin and the third property owner have paid the accrued interest due on the parcels they own. In addition, Gordon R. Martin has paid one half the accrued interest on the parcel that he owns jointly with his son, Gordon S. Martin. Gordon R. Martin has also made arrangements to pay the remaining accrued interest on the jointly held parcel in the event that his son fails to do so.

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OTHER ALTERNATIVES CONSIDERED

None

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

NA

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ATTACHMENT LIST

Resolution, including Attachment A to Resolution

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FISCAL NOTES

The principal amount of the bonds will be \$1,947,678. Bond sale proceeds will be used to pay off bond anticipation notes issued to finance this project.

CITY OF TIGARD, OREGON

RESOLUTION NO. 03-\_\_

A RESOLUTION AUTHORIZING THE ISSUANCE OF A LIMITED TAX  
IMPROVEMENT BOND FOR THE REMAINING UNPAID ASSESSMENTS FOR  
THE DARTMOUTH STREET LOCAL IMPROVEMENT DISTRICT.

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WHEREAS, the City of Tigard is authorized pursuant to the Constitution and laws of the State of Oregon, including Oregon Revised Statutes Chapter 288 and Sections 223.205 to 223.295 and the City Charter, to construct publicly owned and operated local improvements which specially benefit properties, to assess the specially benefited properties for the costs of local improvements, and to issue limited tax bonds to finance the costs of those improvements; and,

WHEREAS, Article XI, Section 11b of the Oregon Constitution states that assessments for local improvements will not be “taxes” which are subject to that section’s limitations if the local improvement is a capital construction project undertaken by the City: (a) which provides a special benefit only to specific properties or rectifies a problem caused by specific properties; (b) the costs of which are assessed against those properties in a single assessment upon the completion of the project; (c) for which the payment of the assessment plus appropriate interest may be spread over a period of at least ten years; and, (d) for which the total of all assessments do not exceed the actual costs incurred by the City in designing, constructing and financing the project; and,

WHEREAS, the City completed construction of the Dartmouth Street Local Improvement Project (the “Project”), and assessed its costs against benefited properties in compliance with Article XI, Section 11b of the Oregon Constitution, so that the assessments for the District improvement project are not “taxes” which are subject to that section’s limitations; and,

WHEREAS, owners of some of the assessed parcels contested the assessments against their property, those contests have been finally resolved in favor of the City, and those owners have now applied to pay their assessments in installments and have waived their right to contest any defects in those assessments; and,

WHEREAS, the City has issued its \$2,015,096.93 Full Faith and Credit Local Improvement District Note, Series 2002, which matures on May 1, 2004 and is prepayable at any time (the “Outstanding Note”) to provide interim financing for the portion of the Project that will be financed with the contested assessments; and,

WHEREAS, the City now desires to obtain long term financing for that portion of the Project by issuing a limited tax improvement bond; and,

WHEREAS, Oregon Revised Statutes Section 223.235(2) limits the principal amount of limited tax improvement bonds to the unpaid balance of all contracts for installment payment of final assessments, plus the amount necessary to fund any reserves and pay financing costs; and,

WHEREAS, the unpaid balance of contracts for installment payment of final assessments for the Project that were contested is \$1,947,677.68; and,

WHEREAS, the City will request proposals for the purchase of the City's limited tax improvement bond and finds that it is desirable to negotiate the sale of that bond with the proposer offering the most advantageous terms to the city; and,

WHEREAS, the City adopts this Resolution to establish the terms under which it will issue its Limited Tax Improvement Bond (Dartmouth Street Local Improvement District), Series 2003 to provide long term financing for costs of the District improvement project;

NOW, THEREFORE, THE CITY OF TIGARD RESOLVES AS FOLLOWS:

#### SECTION 1. DEFINITIONS.

Unless the context clearly requires otherwise, the following capitalized terms shall have the following meanings:

"Assessment Payments" means all amounts required to be paid to the City under all contracts for installment payment of the final assessments for the Project that were executed in calendar year 2003, and the net proceeds of foreclosing any such assessments.

"Available General Funds" means all taxes and other legally available general funds of the City.

"Bond" means the City's Limited Tax Improvement Bond (Dartmouth Street Local Improvement District), Series 2003 which is authorized by this Resolution.

"Code" means the Internal Revenue Code of 1986, as amended.

"Debt Service Fund" means a fund or account, which the City accounts for separately, but which may be commingled with other funds or accounts for investment purposes, into which the City shall deposit all Assessment Payments.

"Director" means the City's Finance Director or the person designated by the Finance Director to act on behalf of the City under this Resolution.

"Event of Default" refers to any of the Events of Default listed in Section 6(A) of this Resolution.

"Project" means the local improvements for which assessments were imposed in the Dartmouth Street Local Improvement District.

"Resolution" means this Resolution.

## SECTION 2. BOND AUTHORIZED; DELEGATION.

A. The City is hereby authorized to issue the Bond to finance the Project. The principal amount of the Bond shall not exceed the amount of applications to pay Project assessments in installments that were executed in calendar year 2003, plus estimated costs and reserves.

B. Proceeds of the Bond shall be used to refund and prepay the Outstanding Note, to pay costs of issuing the Bond and to fund any required reserves. The City may apply Project assessments that were paid in cash and other City funds to pay or prepay the portion of the Outstanding Note that will not be refunded.

C. The Director may, on behalf of the City and without further action by the Council:

- (1) participate in the preparation of, authorize the distribution of, and deem final any disclosure documents which are required for the Bond;
- (2) select a purchaser for the Bond, establish the final principal amounts, maturity schedules, interest rates, sale prices, redemption terms, payment terms and dates, and other terms of the Bond, enter into a bond purchase agreement with the purchaser, and sell and deliver the Bond in accordance with that agreement and this Resolution; and,
- (3) issue, sell and deliver the Bond, and execute any documents and take any other action in connection with the Project or the Bond which the Director finds is desirable to obtain long term financing for the portion of the Project costs that will be paid from the Assessment Payments and carry out this Resolution.

D. The Bond shall be in substantially the form attached to this Resolution as Exhibit A, with such changes as may be approved by the Director. The Bond may be printed or typewritten. The Bond shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and Director.

## SECTION 3. SECURITY FOR BOND; FLOW OF FUNDS.

(A) The Bond shall be payable primarily from the Assessment Payments. The City hereby pledges the Assessment Payments to pay the Bond. Pursuant to ORS 223.235(5)(c), the lien of the pledge shall be valid, binding and fully perfected from the date of issuance of the Bond. The Assessment Payments shall be immediately subject to the lien without the physical delivery thereof, the filing of any notice or any further act. The lien shall be valid, binding and fully perfected against all persons having claims of any kind against the City or the property assessed whether in tort, contract or otherwise, and irrespective of whether such persons have notice of the lien.

(B) The City hereby pledges its full faith and credit to pay the Bond. The Bond shall be a limited tax improvement bond of the City, and the City shall pay the Bond from Available General Funds to the extent that Assessment Payments are not sufficient to pay the Bond.



(C) The City shall deposit all Assessment Payments into the Debt Service Fund. So long as the Bond is outstanding, the City shall use amounts deposited in the Debt Service Fund only to pay Bond principal, interest and any redemption premium.

#### SECTION 4. TAX COVENANTS.

The City covenants not to take any action, or omit to take any action, if the taking or omission would cause interest on the Bond to become includable in gross income under the Code. The Director may, on behalf of the City, enter into additional covenants to protect the tax-exempt status of the Bond.

#### SECTION 5. SUPERIOR AND PARITY OBLIGATIONS.

The City covenants not to issue any obligations other than the Bond which have a lien on the Assessment Payments, unless the City obtains the prior written consent of the Bondowner. The City reserves the right to commit its Available General Funds and taxing power for other purposes without restriction.

#### SECTION 6. DEFAULT AND REMEDIES.

(A) The occurrence of one or more of the following shall constitute an Event of Default under this Resolution:

(1) Failure by the City to pay Bond principal, interest or premium when due (whether at maturity, or upon redemption after any portion of the Bond has been properly called for redemption);

(2) Failure by the City to observe and perform any covenant, condition or agreement on its part to be observed or performed for the benefit of the Bondowner, for a period of 60 days after written notice to the City by the Bondowner specifying such failure and requesting that it be remedied; provided however, that if the failure stated in the notice cannot be corrected within such 60 day period, it shall not constitute an Event of Default so long as corrective action is instituted by the City within the 30 day period and diligently pursued, and the default is corrected as promptly as practicable after the City receives the written notice described in this Section 6(A)(2); or,

(3) The City is adjudged insolvent by a court of competent jurisdiction, admits in writing its inability to pay its debts generally as they become due, files a petition in bankruptcy, or consents to the appointment of a receiver for the installment payments.

(B) The Bondowner may waive any Event of Default and its consequences.

(C) Upon the occurrence and continuance of any Event of Default the Bondowner may take whatever action may appear necessary or desirable to enforce or to protect any of the rights of the Bondowner, either at law or in equity or in bankruptcy or otherwise, whether for the specific enforcement of any covenant or agreement contained in this Resolution or in aid of the exercise of any power granted in this Resolution or for the enforcement of any other legal or equitable

right vested in the Bondowner by the Bond, this Resolution or by law. However, the Bond shall not be subject to acceleration.

(D) No remedy in this Resolution conferred upon or reserved to the Bondowner is intended to be exclusive and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Resolution or now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient. To entitle the Bondowner to exercise any remedy reserved to them, it shall not be necessary to give any notice other than such notice as may be required by this Resolution or by law.

This resolution is effective immediately upon passage.

PASSED: This \_\_ day of \_\_\_\_, 2003.

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Mayor - City of Tigard

ATTEST:

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Recorder - City of Tigard

EXHIBIT A  
(Form of Bond)

No. R-«BondNumber»

\$«PrincipalAmtNumber»

United States of America  
State of Oregon  
City of Tigard  
Limited Tax Improvement Bond  
(Dartmouth Street Local Improvement Project)  
Series 2003

The City of Tigard, Oregon (the "City"), for value received, acknowledges itself indebted and hereby promises to pay to \_\_\_\_ (the "Owner"), the principal amount of \$\_\_\_\_\_ in the following installments, together with interest at the rate of \_\_\_\_\_Percent Per Annum:

[insert amortization table]

Interest is payable semiannually on the \_\_ day of \_\_\_\_\_ and \_\_\_\_ of each year, commencing \_\_\_\_\_, 200\_, and shall be computed on the basis of a 360-day year of twelve 30-day months. Payment of each installment of principal or interest shall be made on each payment date to the Bondowner [insert payment procedure].

[insert redemption provisions]

This Bond is the City's Limited Tax Improvement Bond (Dartmouth Street Local Improvement Project), Series 2003. This Bond is issued to finance a portion of the costs of the City's Dartmouth Street Local Improvement Project. This Bond is issued under and pursuant to Resolution No. \_\_\_\_ of the City adopted on \_\_, 2003 (the "Resolution") and in full and strict accordance and compliance with all of the provisions of the Constitution and Statutes of the State of Oregon and the Charter of the City.

This Bond is a valid and legally binding obligation of the City. The City has granted a first lien on and pledge of the Assessment Payments (as defined in the Resolution) to pay this Bond. The full faith and credit of the City are also pledged for the punctual payment of the principal of and interest on this Bond and the City has covenanted to pay this Bond from its Available General Funds to the extent that the Assessment Payments are not sufficient. This Bond does not constitute a debt or indebtedness of Washington County, the State of Oregon, or any political subdivision thereof other than the City.

IT IS HEREBY CERTIFIED, RECITED, AND DECLARED that all conditions, acts, and things required to exist, to happen, and to be performed precedent to and in the issuance of this Bond have existed, have happened, and have been performed in due time, form, and manner as required by the Constitution and Statutes of the State of Oregon and the Charter of the City; and that the issue of which this Bond is a part, and all other obligations of the City, are within every debt limitation and other limit prescribed by such Constitution and Statutes and City Charter.

IN WITNESS WHEREOF, the Council of the City of Tigard, Oregon, by Resolution duly passed, has caused this Bond to be signed by its Mayor and countersigned by its Finance Director, all as of the date first above written.

City of Tigard, Oregon

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Mayor

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Finance Director

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF 12/2/03

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE LCRB – Insurance Agent of Record

*Loreen F. Mills*

PREPARED BY: Loreen Mills DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Should City Council authorize signing a contract for Insurance Agent of Record?

STAFF RECOMMENDATION

Motion to authorize City staff to enter into a three-year contract with JBL&K for Insurance Agent of Record services with an option for an additional two year extension and authorize signature by the City Manager.

INFORMATION SUMMARY

The City received one proposal for Agent of Record; that from JBL&K our current Agent. Other service providers who received the RFP (Marsh, USA Inc., J.D. Fulwiler & Company Insurance, and Willis) determined they would not be filing a response. Reasons given for no response were either because Tigard was satisfied with the JBL&K's service or because the proposer's office was not in the Portland Metro Area.

The City's current Purchasing Rules state an Agent's appointment can't exceed a period of three years. However, this is more restrictive than the five-year term allowed for all other contracts addressed in the City's rules. Staff will be recommending a revision to these rules over the next year to allow a five-year contract timeline for insurance agent services. The attached contract states that *if* the City's rules are amended to allow for 5-year terms during the first three years of the Agent's contract, that this contract could be extended for an additional two years.

Staff recommends awarding the contract to JBL&K. They have served the City well since 1995, have provided excellent access to the insurance market place, and have the strong public sector expertise to assist the City in addressing its liability exposures.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

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### ATTACHMENT LIST

The service plan from the contract is attached for Council information along with the 2004 service calendar.

The contract for personal services is the City's boilerplate contract which has not been included in this packet due to its length. However, this contract can be viewed in the City Recorder's office or on the City's web site under the RFP for this project.

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### FISCAL NOTES

The fee arraignment with JBL&K will be compensation through the standard commissions paid by the insurance carriers that provide coverage for the City. During FY 03/04, JBL&K received \$42,535 from the insurance companies providing Tigard coverage. This was based on \$541,141 of insurance premium, which equals an average of 7.9% commission rate for the Agent of Record. There are no additional fees paid by the City to the Agent for regular services.

**EXHIBIT A**  
**SERVICES TO BE PROVIDED**

Insurance Agent of Record will:

1. Assist in the design of a comprehensive insurance program, addressing retention levels, broadest available coverage terms and insurer financial security.
2. Make recommendations for self-insurance and other risk-financing methods as appropriate.
3. Organize renewal underwriting information and prepare insurance specifications.
4. Prepare marketing strategies for review by City prior to approaching markets.
5. Approach insurance marketplace on behalf of City. Analyze insurer proposals with respect to cost, coverage and stability of insurers. Review proposals received from insurance companies for conformance with specifications and present quotations to City in a spreadsheet format detailing and comparing coverages, forms and pricing. Make recommendation to City Risk Management for approval. Negotiate final renewal terms.
6. Obtain policies from insurance carriers and forward to City in a timely fashion. Keep City apprised of delays.
7. Review all binders, policies and endorsement to assure coverage is as intended. Verify accuracy of all policies, endorsements and invoices prior to delivery.
8. Maintain a summary listing of all policies and endorsements that identify the type of coverage, insurance company name & policy number, policy period, coverage synopsis and a brief synopsis of significant coverage features, policy limits, deductibles, and premiums. Update summary pages as revisions occur. Identify potential or actual uninsured or underinsured exposures.
9. Issue Certificates of Insurance and other evidence of insurance as requested or required.
10. Place, cancel and otherwise handle, at the direction of the City and for the benefit of the City all placements, binders, policies and endorsements as requested by the City in a timetable which would avoid lapses in coverages.
11. Assist City in submittal of claims to insurance carriers. Interface with carrier when coverage issues arise.
12. Maintain insurable values on buildings at replacement values to include new construction and make statement available to the City.
13. Consult with the Risk Manager when called upon throughout the year on any matters pertaining to the operation of the City's insurance and safety programs.
14. Be available to attend meetings when needed. Respond to questions in a timely manner.
15. Prior to renewal of insurance policies, Agent shall analyze losses and loss history trends, with frequency and severity information on losses. Agent shall provide loss forecasts and loss retention analysis when appropriate.
16. Supply City's Risk Manager a budget letter for estimated premiums that will be required for the next fiscal year. This requires a projection of new total property values, including any completed construction or contemplated acquisitions. Based on this review and a survey of current market trends, a total premium is projected. This is due no later than January 20<sup>th</sup> each year.
17. Prepare an annual report for delivery to the Risk Manager. This report is to include any pertinent information relative to new or changed coverages, companies, amounts or premiums, term of policies, deductibles, and claims history & trends. New rulings by the Insurance Service Office or the Insurance Commissioners may also be included. This report will also include information about the services provided by Agent and issues the City should address during the next contract year. This report shall be filed no later than January 20<sup>th</sup> each year
18. Assist City, as needed, in evaluation and recommendation in the areas of safety loss control, review of Certificates of Insurance provided by contractors and other vendors.
19. Provide other such services consistent with devising, adopting, administering or revising plans of insurance coverage for the City.

## 2004 SERVICE DETAIL PLANS

January	February	March	April
<input type="checkbox"/> Submit Budget projections by 1/20/04. <input type="checkbox"/> Submit Annual Report by 1/20/04. <input type="checkbox"/> Quarterly Service Plan meeting. <input type="checkbox"/> Update annual service plan.	<input type="checkbox"/> Begin marketing other lines of coverage. <input type="checkbox"/> Provide annual Safety Committee training.	<input type="checkbox"/> Update insurance schedules: property, autos, etc. <input type="checkbox"/> Renewal packet to JBL&K from City for property, casualty, WC & pollution. <input type="checkbox"/> Semi-annual property casualty claim review by 3/15/04.	<input type="checkbox"/> Have library COC renewal in place. <input type="checkbox"/> Quarterly Service Plan meeting. <input type="checkbox"/> Finalize market specifications. <input type="checkbox"/> Agree on marketing plan. <input type="checkbox"/> Renew Pollution coverage effective 5/1/04.
May	June	July	August
<input type="checkbox"/> Specifications to market – status report. <input type="checkbox"/> Semi-annual work comp claim review (if needed).	<input type="checkbox"/> Present liability and property coverage options for July renewal – target date 6/16/04. <input type="checkbox"/> Present marketing results to City. <input type="checkbox"/> Analyze risk financing options. <input type="checkbox"/> Bind coverage. <input type="checkbox"/> Deliver binders & insurance ID	<input type="checkbox"/> Quarterly Service Plan meeting. <input type="checkbox"/> Update annual service plan.	<input type="checkbox"/> Complete premium breakdown.
September	October	November	December
<input type="checkbox"/> Review and update all appraised values. <input type="checkbox"/> Semi-annual property casualty claim review by 9/15/04	<input type="checkbox"/> Quarterly Service Plan meeting. <input type="checkbox"/> Review necessity for separate Tigard/Wash. Cnty. USA IGA coverage.	<input type="checkbox"/> Continue conversations with other viable markets. <input type="checkbox"/> Semi-annual work comp claim review (if needed) by 11/15/04.	<input type="checkbox"/> Semi-annual work comp claim review (if needed). <input type="checkbox"/> Renew NFIP/Flood coverage effective 1/4/05.
<b>ONGOING throughout the year:</b> <input type="checkbox"/> Loss control needs will be coordinated by JBL&K Risk Management Coordinators. <input type="checkbox"/> Renew bonds as they come due or require change <input type="checkbox"/> Contract assistance. <input type="checkbox"/> Claim reviews. <input type="checkbox"/> Assist with exposure identification. <input type="checkbox"/> Assist with complex WC claim settlement negotiations as needed.			



AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF 12/02/03

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE LCRB – Award Proposal for Facility Remodel Architect

*Loreen Mills*

PREPARED BY: Loreen Mills DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Should the Local Contract Review Board award an Architectural Services proposal for City Hall & existing Library facilities remodel & construction oversight which is planned for 2004?

STAFF RECOMMENDATION

Award the proposal to LRS Architects, Inc. to not exceed \$97,600 and authorize the City Manager to sign the personal services contract with the firm.

INFORMATION SUMMARY

Tigard citizens approved a bond for the construction of a new Library building. As part of the bond measure process, the City assured citizens that the existing Library and City Hall buildings would be remodeled to accommodate the programming needs of administrative departments of the City for 10 years. By the time staff moves in to the remodeled facilities that time line will be for 8 years.

In order to facilitate the timing of remodeling and relocation of administrative staff, the DUST Committee (Divvy Up Space & Technology) was formed in 2002 and consists of staff representatives from various departments to proceed with planning and implementation. DUST has set the following goals for the remodel and relocation that will occur during 2004:

- ☞ Better serve our customers (internal and external);
- ☞ Maximize space utilization;
- ☞ Create efficient work environments; and
- ☞ Provide appropriate customer confidentiality.

Based on these goals, the DUST Committee and City Manager approved building use concepts. The highlights of the plans are as follows

- ☞ Rearrangement of staff will occur
  - Existing Library will house a one-stop permitting center consisting of Building, Engineering and Planning functions and internal support functions of Human Resources and Risk Management.
  - Existing City Hall will house City Manager's office and staff along with Finance and Municipal Court functions.
  - Existing Inspector's Modular will house Network Services functions.
- ☞ Finance Department staff move from the Water Building into City Hall.
- ☞ Staff and program impacts anticipate fiscal projections and increased service area impacts which include future annexations for those departments going to the existing Library and City Hall buildings.

- ☞ Limited funding is available for building improvements thus options are to be cost effective with limited new walls in the buildings/modular (though the existing Library is anticipated to need more than City Hall). The DUST Committee refers to the building improvements as being “bare bones improvements” while meeting the Committee’s goals.

In fall of 2002 and early 2003, efficient programming/space design and remodel construction cost estimates were developed with the assistance of the architectural firm of Yost, Grube, Hall Architecture. It is now time to build on those plans and hire a firm to provide services in the scope of services addressed in this RFP; namely:

1. Provide the final remodel design of the buildings from the existing conceptual designs and develop construction cost estimates for the 2004/05 CIP budget;
2. Develop construction bid scope of work and drawings and assist the City with the bid process; and
3. Oversee the remodel construction contracts and process.

Responses to the RFP were received on Thursday, October 30, 2003 from the following firms.

**LRS Architects, Inc.**

1121 SW Salmon Street, Suite 100  
Portland, OR 97205

**\$88,740**

**Yost, Grube, Hall Architecture**

1211 SW 5<sup>th</sup> Avenue, Suite 2700  
Portland, OR 97204

**\$142,660**

These firms were then interviewed on November 5, 2003 by the DUST Review Team (Greg Berry, Dennis Koellermeier, Councilor Nick Wilson, and Loreen Mills). The proposer ratings developed through the review process are attached.

The Review Team and the DUST Committee (Divvy Up Space & Technology) unanimously recommends contract award to LRS Architects, Inc. The amount of contract is recommended “not to exceed” \$97,600 which includes a 10% contingency should construction uncover issues unknown to us today that would require additional assistance from the firm.

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**OTHER ALTERNATIVES CONSIDERED**

Renegotiate with firms or re-advertise. Neither of these would be recommended by staff.

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**VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY**

N/A

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**ATTACHMENT LIST**

- ☞ Proposer ratings.  
☞ Project timeline.  
☞ Contract for personal services is the City’s boilerplate contract which has not been included in this packet due to its length. However, this contract can be viewed in the City Recorder’s office or on the City’s web site under the RFP for this project.

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**FISCAL NOTES**

The 2003-04 CIP budget has \$139,380 identified for this contract. LRS provided the lowest responsible cost proposal for this project at \$88,740. With the 10% contingency added to the contract, the total project would be \$97,600. This is almost \$41,800 lower than the budget for this phase of the project.

## PROJECT TIMELINE

12/2/03	LCRB action to award proposal to LRS Architects, Inc.
12/3/03-12/4/03	Contract signed with City
<b>12/8/03-2/3/04</b>	<b>FINALIZE DESIGN CONCEPT</b>
12/8/03-12/19/03	Staff interviews & site visits
	Review program elements
	Review M/E/P elements
	Identify constraints and opportunities
12/15/03-1/6/04	Provide DD level documents
12/22/03-1/6/04	Preliminary Electrical Design (low & high voltage)
	Preliminary Mechanical Design
1/7/04-1/12/04	DD level cost estimate/review
1/12/04	Presentation to DUST Committee 1-3 PM meeting in City Hall
1/22/04	City selects final design option
1/23/04	DUST Committee meeting to authorize final plans for construction 9:30 – 11:30 AM in City Hall
2/2/04	Submits DD estimates for budget purposes (FY 04/05)
<b>2/4/04-5/21/04</b>	<b>PROVIDE BID DOCUMENTS</b>
	Architectural bid docs
2/18/04-4/13/04	Electrical bid docs
	Mechanical bid docs
	Structural bid docs
3/10/04-3/30/04	Provide technical specifications
3/31/04-4/20/04	Provide statement of probably cost
2/18/04-3/2/04	Provide salvage and recycle plan
4/30/04	Presentation to DUST Committee
5/3/04-5/21/04	City approval of bid documents
<b>5/24/04-8/10/04</b>	<b>BID SERVICES</b>
5/24/04-7/2/04	Manage bid documents
6/7/04	City advertises for bids
6/7/04-7/2/04	Respond to bidder questions
6/15/04	Pre-bid conference
7/6/04	Bids due at 2 PM
7/7/04-7/13/04	Bid evaluation & recommendation
7/14/04-8/10/04	City Review & accept bid
7/27/04	LCRB Action packet due
8/10/04	Bid awarded & Consultant serves as City's rep for project
<b>8/24/04-1/28/05</b>	<b>CONSTRUCTION SERVICES</b>
8/24/04	Pre-construction conference
9/6/04-10/15/04	Library Renovation
10/18/04-10/22/04	Relocate staff to Library (Building, Engineering, Planning, HR & Risk)
10/25/04-11/19/04	City Hall Renovation
11/22/04-11/24/04	Relocate staff to City Hall (City Manager's staff, Finance & Network Services)
11/29/04-12/23/04	Modular Unit Renovation
12/27/04-12/30/04	Relocate staff to Modular Unit (Network Services)

# **BUILDING REMODEL DESIGN & CONSTRUCTION OVERSIGHT**

## **RFP COMPOSITE RATINGS ~ 10/30/03 – 11/10/03**

Review Team members: Greg Berry, Dennis Koellermeier, Loreen Mills, and Councilor Nick Wilson (at interview portion of review)

Company	Composite Rating	Notes
<p><b>LRS Architects, Inc.</b>  <u>Team Members:</u>  <i>Paul Boundy</i>, Principal &amp; Project Manager  <i>Jeff Tathwell</i>, Designer  <b>Nishkian Dean Engineering Firm</b>  <i>Edwin Dean</i>, Principal &amp; Structural Engineer  <b>Accipio Mechanical</b>  <i>Doug Downie</i>, Project Manager  <b>Reyes Engineering (Electrical)</b>  <i>Flaviano Reyes</i>, Principal &amp; Senior Electrical Engineer  <b>KJM &amp; Associates</b>  <i>Doug Roberts</i>, Technical Manager &amp; Senior Estimator</p>	<p><b>95.3</b></p>	<p><b>Price - \$87,240 + a possible \$1,500 due to serve room unknowns for a total of \$88,740.</b> \$81,180 + \$4,000 reimbursable expenses. Due to review team request for clarification on proposal, \$2,060 added to Task A for detailed systems furniture inventory and \$1,500 for structural fee due to server room/building unknowns. (If alternative location does not involve additional structural work, they stated this fee would not be needed.)</p> <p><b>Notes</b>  Paul &amp; his staff talked with CD staff about land use issues <i>before</i> the interview to have a better idea of complexity of permitting.  LRS did the HVAC design for the PD remodel  During the interview, all members of the team displayed great passion for the project. Remodel team liked the idea of having a Principal involved as project manager.  LRS reported their change orders over the last 2 years have been 2-3% of project budget. Stressed communication as the key to keeping on time and within budget.  Ideas to save project dollars:  ➤ Recommended a reduced timeline for construction 9/04 – 1/30/05 vs. 9/04 – 4/05 which was in RFP  ➤ Review early in process the location of network services &amp; server room options  Most work has been done for public agencies – understands the political side of projects  Expressed uncertainty about server room/building &amp; wanted to find more suitable site  <u><b>References</b></u> report Paul Boundy &amp; his team did an excellent job of: construction management; problem solving; accurate costing of project; staying within budget &amp; timeline. LRS references noted Paul Boundy’s strength in managing construction projects</p>

Company	Composite Rating	Notes
<p><b>Yost, Grube, Hall Architecture</b>  <u>Team Members:</u>  <i>Nels Hall</i>, Principal in Charge  <i>Roger Herndon</i>, Project Manager  <i>Debbi Moody</i>, Space Planner  <i>Nathan Cooperider</i>, Project Architect  <i>Jim Mann</i>, Value Engineer  <b>KPFF</b>  <i>Gaafar Gaafar</i>, Principal in Charge, Structural Engineer  <i>Steve Harrison</i>, Civil Project Manager  <b>Interface</b>  <i>Robert Matteson</i>, Principal in Charge, Senior Mechanical Designer  <i>David Pickett</i>, Senior Electrical Engineer  <i>Orie Weeks</i>, LAN Specialist, Senior Technologies Consultant  <i>Robert Dupuy</i>, Senior Lighting Designer</p>	83.3	<p><b>Price - <u>\$142,660</u> + additional fees may be necessary due to serve room unknowns.</b>  <b>Notes</b>  YGH did the first phase of this project by developing space planning/design. They have the best understanding of the project though dollars rather high for the furnishing plan.  Ideas to save project dollars:  ↳ Recommended purchase of “reconditioned panels” which are very cost effective while being efficient sound barriers.  ↳ Review early in process the location of network services &amp; server room options  Expressed uncertainty about server room/building &amp; wanted to find more suitable site  During interview, said the right words but displayed lack of passion  Stressed communication and early decision-making as the keys to keeping project on time and within budget.  Believed there was very sufficient timeline to complete project.  <b><u>References</u></b> report YGH did an excellent job of: construction management; strong in value engineering &amp; life cycle costs; Miles Wofter of YGH is very capable in managing construction projects; and staying within budget &amp; timeline.  Concern was expressed that none of the references had first hand knowledge of Roger Herndon in managing the construction process.</p>

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF December 2, 2003

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A RESOLUTION APPROVING BUDGET AMENDMENT #11,  
TRANSFERRING ONE POSITION FROM NETWORK SERVICES TO POLICE AND ADJUSTING  
APPROPRIATIONS

PREPARED BY: Craig Prosser DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Should the Council approve Budget Amendment #11 to transfer one position from the Network Services Division of the City Administration Department to the Police Department?

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STAFF RECOMMENDATION

Approve Budget Amendment #11

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INFORMATION SUMMARY

Two years ago, the Budget of the City of Tigard transferred the position of Police Data Specialist from the Support Services Division of the Police Department to the Network Services Division of the City Administration Department. This was done to better coordinate the Police data network support with citywide network support and to achieve economies of scale.

The consolidated network support has been in place for a year and a half, and coordination of efforts has improved. However, despite these improvements, the Police Department has experienced a reduction in service levels that have raised concerns. The Police Department and the Network Services Division have discussed these concerns and are now jointly recommending that the position in question be transferred back to the Police Department. Both units feel that this transfer will improve service levels for the Police Department without jeopardizing the gains in citywide coordination that have been achieved.

Budget Amendment #11 adjusts the FY 2003-04 Budget to reflect this transfer.

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OTHER ALTERNATIVES CONSIDERED

Do not approve Budget Amendment #11. Leave the position in question in the Network Services Division.

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None

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ATTACHMENT LIST

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FISCAL NOTES

This Budget Amendment reduced the budget of the Network Services Division by \$44,729 and increases the budget of the Police Department by an equal amount. The Police Department, however, is funded out of the General Fund and the Network Services Division is funded through the City's cost allocation plan. Budget Amendment #11 therefore reduces the General Fund transfer to the Central Services Fund by its share of this position, and transfers appropriations from the General Fund contingency for the balance of needed to fund this position. This amendment thereby increases overall costs in the General Fund by \$13, 334.

In the Central Services Fund, resources are reduced by the amount of the General Fund transfer reduced, and the balance of the reduction is transferred back to the Central Services Fund contingency. In actuality, transfers from funds other than the General Fund will be reduced by the amount of the Central Services Fund contingency adjustment, but because of the large number of funds affected and the small impact on each of those funds, the amendment makes that adjustment through contingency rather than adjusting the budgets of each fund affected.

CITY OF TIGARD, OREGON

RESOLUTION NO. 03-\_\_\_\_\_

A RESOLUTION APPROVING BUDGET AMENDMENT #11, TRANSFERRING ONE POSITION FROM NETWORK SERVICES TO POLICE AND ADJUSTING APPROPRIATIONS.

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WHEREAS, The FY 2003-04 Adopted Budget included one position in the budget of the Network Services Division of the City Administration Department that provides primary support to Police Department data systems, and

WHEREAS, Network Services and police have determined that the work of this position can be more efficiently supervised if the position is budgeted and located in the Police Department, and

WHEREAS, it is necessary to adjust position authorization and appropriations to reflect this transfer.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1. The FY 2003-04 Budget of the City of Tigard is amendment as shown in Attachment A to this resolution.

SECTION 2. One position of Police Systems Specialist is eliminated in the Network Services Division of City Administration Department and created in the Support Services Division of the Police Department.

SECTION 3. This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2003.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard



Attachment A  
FY 2003-04  
Budget Amendment #11

FY 2003-04 Revised Budget	Budget Amendment # 11	Revised Revised Budget
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**General Fund**

Resources

Beginning Fund Balance	7,065,185		7,065,185
Property Taxes	9,115,977		9,115,977
Grants	64,645		64,645
Interagency Revenues	2,162,454		2,162,454
Development Fees & Charges	290,000		290,000
Utility Fees and Charges	0		0
Miscellaneous Fees and Charges	163,000		163,000
Fines and Forfeitures	434,127		434,127
Franchise Fees and Business Tax	2,748,865		2,748,865
Interest Earnings	156,304		156,304
Bond/Note Proceeds	0		0
Other Revenues	36,032		36,032
Transfers In from Other Funds	2,227,982		2,227,982
<b>Total</b>	<b>\$24,464,571</b>	<b>\$0</b>	<b>\$24,464,571</b>

Requirements

Community Service Program	9,496,666	44,729	9,541,395
Public Works Program	2,473,000		2,473,000
Development Services Program	2,373,396		2,373,396
Policy & Administration Program	310,775		310,775
General Government	0		0
Program Expenditures Total	\$14,653,837	\$44,729	\$14,698,566
Debt Service	\$0		\$0
Capital Improvements	\$0		\$0
Transfers to Other Funds	\$3,931,116	(\$31,395)	\$3,899,721
Contingency	\$978,105	(\$13,334)	\$964,771
<b>Total Requirements</b>	<b>\$19,563,058</b>	<b>\$0</b>	<b>\$19,563,058</b>
Ending Fund Balance	<b>4,902,513</b>		<b>4,902,513</b>
<b>Grand Total</b>	<b>\$24,465,571</b>	<b>\$0</b>	<b>\$24,465,571</b>

**Central Services Fund**

Resources

Beginning Fund Balance	523,050		523,050
Interest Earnings	10,461		10,461
Transfers In from Other Funds	4,445,018	(31,395)	4,413,623
<b>Total</b>	<b>\$4,978,529</b>	<b>(\$31,395)</b>	<b>\$4,947,134</b>

Requirements

Policy & Administration Program	3,604,470	(44,729)	3,559,741
General Government	394,920		394,920
Program Expenditures Total	\$3,999,390	(\$44,729)	\$3,954,661
Transfers to Other Funds	\$73,614		\$73,614
Contingency	\$249,000	13,334	\$262,334
<b>Total Requirements</b>	<b>\$4,322,004</b>	<b>(\$31,395)</b>	<b>\$4,290,609</b>
Ending Fund Balance	<b>656,525</b>		<b>656,525</b>
<b>Grand Total</b>	<b>\$4,978,529</b>	<b>(\$31,395)</b>	<b>\$4,947,134</b>

AGENDA ITEM # 3.5  
FOR AGENDA OF December 2, 2003

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Approve Resolution to Continue the Resource Cities Program

PREPARED BY: Bill Monahan DEPT HEAD OK UA CITY MGR OK UA

ISSUE BEFORE THE COUNCIL

Shall the City Council support continuation of the City's participation in the International Resource Cities Program, funded by USAID and administered by the International City County Managers Association (ICMA)?

STAFF RECOMMENDATION

Staff recommends that the City Council authorize the City to continue participation in the International Resource Cities Program. Authorization will allow the staff to finalize application for a two year extension of the partnership with Samarinda, Indonesia and possibly Washington County and County of Kutai, Indonesia.

INFORMATION SUMMARY

In August 2001, the City Council passed Resolution No. 01-53 supporting Tigard's participation in the Resource Cities Program. From February 2002 through to this date, Tigard and Washington County have actively participated in an exchange with the City of Samarinda and County of Kutai, Indonesia. Delegates have been engaged in several exchanges resulting in impressive achievements to develop and improve citizen involvement, accounting practices, water system conditions, rate structures, public health, and staff development, among other things.

Recently, USAID awarded a contract extension to ICMA to continue the program. We have been invited to apply for an extension of two years. Our Indonesian partners are very enthusiastic about keeping the program active and continuing our successful efforts. To apply, a demonstrated commitment of the City Council is needed to show our desire to continue participation. If Council agrees to apply for an extension, the draft resolution should be adopted.

OTHER ALTERNATIVES CONSIDERED

Take no further action, choosing to conclude the Resource Cities Program at this point.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

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### ATTACHMENT LIST

1. Resolution No. 01-53
2. October 2003 letter from Carol Bartl, Program Manager
3. Resource Cities Program Indonesian Selection Criteria
4. Draft Resolution supporting continuation of the Resource Cities Partnership

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### FISCAL NOTES

The cost of the Resource Cities Program is funded by USAID. The cost of airfare, hotel, meals, etc. for delegates is paid for by USAID. Staff participating for Tigard do so as employees of the City with their time devoted to the program conducted as paid time.

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-53

A RESOLUTION SUPPORTING PARTICIPATION IN THE INTERNATIONAL CITY/COUNTY  
MANAGEMENT ASSOCIATION (ICMA) INTERNATIONAL RESOURCE CITIES PROGRAM

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WHEREAS, the International/City/County Management Association (ICMA) in cooperation with the United States agency for International Development (USAID) and other international agencies established an international partnerships program called the International Resource Cities Program; and

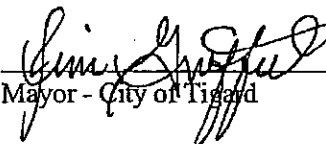
WHEREAS, through the International Resource Cities Program, selected local governments exhibiting a record of exceptional management in the U.S. have been invited to share their local government expertise and successes with communities in developing countries that are making the transition to democracy; to provide technical assistance in improving professional and ethical municipal management; to support participatory and inclusive government; to improve delivery of public services; and to increase access to decent and affordable housing; and

WHEREAS, the City of Tigard, Oregon, partnering with Washington County, Oregon, has been chosen to participate in this extraordinary program to represent the United States by being matched with the City of Samarinda, Indonesia, and the county of Kutai, Indonesia.

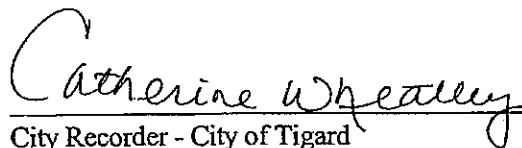
NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Council supports the City's participation in the International Resource Cities Program, and by so doing endorses the promotion of democratic principles in the City of Samarinda, Indonesia, and the county of Kutai, Indonesia.

PASSED: This 28<sup>th</sup> day of August 2001.

  
\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

  
\_\_\_\_\_  
City Recorder - City of Tigard

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## BIGG – Building Institutions for Good Governance



Graha Iskandarsyah 5<sup>th</sup> Floor  
Jl. Iskandarsyah Raya No. 66 C, Kebayoran Baru  
Jakarta Selatan 12160 - Indonesia  
Tel. (62 21) 727- 2026; 727 91936, Fax : (62 21) 720-6890

Jakarta, 20 October 2003

Dear Partners:

USAID recently awarded a contract extension to ICMA to continue the Resource Cities Program.

While the Phase 2 Resource Cities Program will not be funded up to the same level as was Phase 1, there will be an opportunity for four of the current eight partnerships to extend for another two years.

If you wish to be considered for the extension, please prepare and submit a joint response. I have attached the criteria by which the applications will be evaluated. It will be in your best interest to address as many points included in the criteria as possible.

The four Phase II partnerships to be awarded will be as follows:

- I. Indonesian-U.S. Partnership – 2 awards  
This will be in the same format as your Phase 1 partnerships
  - 3 trips: Indonesian city representatives to travel to the U.S.
  - 4 trips: U.S. city representatives to travel to Indonesia.
- II. Indonesian-Indonesian Partnership – 2 awards  
In addition to the two current partners, this new type of partnership requires the participation of a new Indonesian city and will include the following trips:
  - 1 trip: Indonesian cities representatives to travel to the U.S.
  - 2 trips: Indonesian city representatives to travel to each others' cities.
  - 2 trips: U.S. city representatives to travel to Indonesia.

We will ask the current Indonesian partner to suggest the new Indonesian city with whom both current partners wish to work. It is not necessary to identify this new city at the time that your response is submitted. If the Indonesian partner does/can not indicate a new city that wishes to join the partnership, ICMA will assist in looking for a suitable partner after the awards have been decided.

Please indicate your preference, if any, as to the type of partnership you are interested in. (You will be considered for both unless you indicate one type of partnership in which you do not wish to participate.)

For your information, we will also be inviting two new Indonesian-U.S. partnerships (in the format of point I. above) to the Resource Cities Program. If you know of any

cities that were not previously involved in Phase 1 and who wish to participate, please forward them the contact information to either Kemal Taruc or Carol Bartl so that we can provide them with information about the program.

We ask that both partners work together to submit a single response, in English. The length of the response will not be criteria when evaluating your responses as long as you feel you adequately described the points by which we must evaluate the responses.

The due date for this response is December 5, 2003.

Feel free to call/email Kemal Taruc or Carol Bartl if you have any questions.

We look forward to hearing from you.

Best regards,

Carol Bartl  
Program Manager



## **BIGG – Building Institutions for Good Governance**



**Graha Iskandarsyah 5<sup>th</sup> Floor  
Jl. Iskandarsyah Raya No. 66 C, Kebayoran Baru  
Jakarta Selatan 12160 - Indonesia**

**Tel. (62 21) 727- 2026; 727 91936, Fax : (62 21) 720-6890**



### **RESOURCE CITIES PROGRAM INDONESIA SELECTION CRITERIA**

**1. Leadership:**

Demonstrated commitment by the mayors and local council/legislature to improving local government and a willingness to participate in the program, including:

- a. a resolution from the local council/legislature that they support the program.
- b. a letter from the mayors (if the mayors will not be signing the response) indicating that they support the program.

**2. Management:**

Mayors and councils appreciation of the value of strong technical capacity and professionalism of staff and a well-defined administrative framework.

**3. Vision:**

Mayors and councils understanding of the critical issues facing the community, and their ability to set priorities to address them.

**4. Community**

Visible signs of community pride, traditions of civic volunteerism, and general unity among the local sectors. This will be best described by showing community organizations that have participated in prior exchanges. If commitment from new community organizations is expected during the Phase II project, a letter from this organization will be highly regarded.

**5. Citizen Participation**

Tradition or introduction of new programs and policies aimed at increasing citizen participation in the decisions of their local government.

**6. No Significant Barrier:**

No significant trend, unique characteristic, or detectable deficiency that will distract from optimal participation in the program.

**7. Sector of Technical Interest:**

Please indicate the areas of technical interest in which the partners wish to cooperate for Phase II.

USAID has indicated that its strategy from year 2004 and forward is to focus on projects in the sectors of education, environment, health, energy, and water. This is not mandatory for current partners wishing to extend in a different area of technical interest (such as tourism, new city development, finance, etc.) so long as the work in that sector had already been undertaken during the Phase I partnership. However any new technical areas, if any, to be included in a Phase II project must fall within education, environment, health, energy or water.

8. Communication between partners and ICMA

Timeliness and quality of information prepared and communication between the three parties during the Phase I program.

9. English language and electronic communication capabilities:

At least two Project coordinators per partner with English language skills and who have daily access to email.

10. Demonstrable results:

Demonstrable interim results from activities undertaken during the Phase 1 program. (It is not necessary to respond to this criteria, since ICMA staff should be aware of all results from Phase I. It is only included here so that you are aware of its existence.)

11. Level of contribution in past partnership and level of in-kind commitment in the future. For example: time contributions, additional travel or program funds added by the city or other sources; creative ways of extending budget resources through, for example, home stays, frequent flyer miles, etc.

12. Diversity.

The partner cities will reflect the diversity of local government authorities in Indonesia in terms of population size, administrative authority (kota/kabupaten), resource base, location, and other characteristics. (It is not necessary to respond to this criteria. It is only included here so that you are aware of its existence.)



CITY OF TIGARD, OREGON

RESOLUTION NO. 03-\_\_\_\_\_

A RESOLUTION SUPPORTING CONTINUED PARTICIPATION BY THE CITY OF TIGARD IN THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION (ICMA) INTERNATIONAL RESOURCE CITIES PROGRAM

---

WHEREAS, the International/City/County Management Association (ICMA) in cooperation with the United States agency for International Development (USAID) and other international agencies established an international partnerships program called the International Resource Cities Program; and

WHEREAS, through the International Resource Cities Program, selected local governments exhibiting a record of exceptional management in the U.S. were invited to share their local government expertise and successes with communities in developing countries that are making the transition to democracy; to provide technical assistance in improving professional and ethical municipal management; to support participatory and inclusive government; to improve delivery of public services; and to increase access to decent and affordable housing; and

WHEREAS, the City of Tigard, Oregon, partnering with Washington County, Oregon, was chosen to participate in this extraordinary program to represent the United States by being matched with the City of Samarinda, Indonesia, and the County of Kutai, Indonesia; and

WHEREAS, the Tigard City Council on August 28, 2001 passed Resolution No. 01-53 supporting participation of Tigard in the Program; and

WHEREAS, from the initial delegation of Tigard and Washington County representatives to Indonesia in February 2002, through the latest delegation in October 2003 the program yielded significant benefits to all participants; and

WHEREAS, the Tigard City Council supports continuing the Resource Cities exchange and the participation of staff.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1:       The City Council supports the City's continued participation in the International Resource Cities Program, and by so doing endorses the promotion of democratic principles in the City of Samarinda, Indonesia, and the County of Kutai, Indonesia.

PASSED:       This \_\_\_\_\_ day of \_\_\_\_\_ 2003.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

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AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF December 2, 2003

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE The Bull Mountain Annexation Plan (Zone Change Annexation (ZCA) 2003-00003/Zone Change Annexation (ZCA) 2003-00004/Zone Change Annexation (ZCA) 2003-00005/Zone Change Annexation (ZCA) 2003-00006) Public Hearing

---

PREPARED BY: Barbara Shields DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

---

ISSUE BEFORE THE COUNCIL

1. Review *The Bull Mountain Annexation Plan* (Attachment 1, Exhibit A) and Staff Report (Attachment 1, Exhibit B);
  2. Receive public testimony and submittals on *The Bull Mountain Annexation Plan* and Staff Report
  3. Take action on the land use applications, Zone Change Annexation (ZCA) 2003-00003/Zone Change Annexation (ZCA) 2003-00004/Zone Change Annexation (ZCA) 2003-00005/Zone Change Annexation (ZCA) 2003-00006; and if approved,
  4. Place the issue before voters on March 9, 2004 or subsequent election dates.
- 

STAFF RECOMMENDATION

Approval of *The Bull Mountain Annexation Plan* (Zone Change Annexation (ZCA) 2003-00003/Zone Change Annexation (ZCA) 2003-00004/Zone Change Annexation (ZCA) 2003-00005/Zone Change Annexation (ZCA) 2003-00006) by adopting the attached Resolution (Attachment 1).

---

INFORMATION SUMMARY

The City of Tigard is proposing to annex 1,378 acres of Washington County known as Bull Mountain through the annexation plan process. State law ORS 195.205 allows the City to annex territory within an urban growth boundary (UGB) pursuant to a detailed annexation plan, subject to voter approval. If the Tigard City Council approves *The Bull Mountain Annexation Plan* (Exhibit A of Attachment 1), it could place the proposal on the March 9<sup>th</sup> 2004 ballot.

*The Bull Mountain Annexation Plan* proposal states that the City of Tigard can serve the Bull Mountain area without a significant reduction in service to Tigard residents. Due to size, the proposal divides the area into four subareas: East (276.95 acres), South (492.18 acres), North (357.35 acres), and West (251.23). To allow time to hire additional staff, acquire equipment, and maintain current service standards to City residents, the Plan proposes a three-phase approach:

Phase 1: East, 2004; Phase 2: South, 2005; Phase 3: North and West, 2006.

Although there are other methods of annexation, the City chose the annexation plan method because it requires the creation of a long-term annexation strategy. The Tigard Urban Service Agreement ([TUSA] The Bull Mountain Annexation Plan, Appendix B) names the City of Tigard as the ultimate service provider for the Plan Area, for most services. Without annexation, the City has limited ability to plan for, provide for, and manage growth outside its City limits to ensure that efficient and effective public facilities and services are available when needed. The TUSA contains a provision that the City shall endeavor to annex the Bull Mountain area in the near to mid-term (3 to 5 years). Lastly, if *The Bull Mountain Annexation Plan* is approved by the Council, ORS195.205 allows both the territory to be annexed and the annexing city to vote on the annexation plan proposal.

---

### OTHER ALTERNATIVES CONSIDERED

**OPTION 1:** Modify The Bull Mountain Annexation Plan phasing recommendations by choosing one of the three options (below) and approve Zone Change Annexation (ZCA) 2003-00003/Zone Change Annexation (ZCA) 2003-00004/Zone Change Annexation (ZCA) 2003-00005/Zone Change Annexation (ZCA) 2003-00006.

If the Tigard City Council approves *The Bull Mountain Annexation Plan* with the modified recommendations by December 16, it could place the proposal on the March 9<sup>th</sup> 2004 ballot.

There are three alternatives for Council consideration:

1. Annex all-areas at one time, prior to 2005
2. Annex in 2 phases (East/North subareas in 2004; South/West subareas in 2005)
3. Annex in 4 phases (2004, 2005, 2006, 2007). The suggested sequence contained in the report is based on the numeric ranking identified in the Bull Mountain assessment report. However, given the minor differences in the ranking score between the South, East, and North, altering the sequence would not impact the City's ability to serve one of these areas, except the West which must be annexed last.

The three alternatives are based on the extensive analysis of the Bull Mountain area and are well grounded and supported by *The Bull Mountain Annexation Study* (November 2001) (Attachment 2), *The Public Facilities and Services Report for the Bull Mountain Area* (July 2003) (Attachment 3), and *The Bull Mountain Annexation Plan* (November 2003). All data collection and research rest upon the four subarea boundaries. In short, the collected data, analysis and recommendations contained in these documents provide an "adequate factual base", as required by Statewide Planning Goal 2.

The three alternatives are based on quantitative methods and do not address the intangible elements of the decision making process (social acceptance, sensitivity toward the change, etc.).

Any deviations from the above three alternatives and/or four established subarea boundaries, that may be considered through public testimony, run the risk of not complying with the applicable criteria identified in the Staff Report (Attachment 1, Exhibit B).

**OPTION 2:** Deny Zone Change Annexation (ZCA) 2003-00003/Zone Change Annexation (ZCA) 2003-00004/Zone Change Annexation (ZCA) 2003-00005/Zone Change Annexation (ZCA) 2003-00006.

If the City Council finds that based on its review of the staff report and public testimony that any of the three alternatives do not meet the applicable approval criteria to annex the Bull Mountain Plan Area through the annexation plan method, the applications (Zone Change Annexation (ZCA) 2003-00003/Zone Change Annexation (ZCA) 2003-00004/Zone Change Annexation (ZCA) 2003-00005/Zone Change Annexation (ZCA) 2003-00006) will be denied.

---

#### VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management Goal #2, Urban services are provided to all citizens within Tigard's urban growth boundary and recipients of services pay their share.

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#### ATTACHMENT LIST

Attachment 1: Resolution

Exhibit A: The Bull Mountain Annexation Plan, September 2003

Appendix B: Fiscal Analysis Update

Appendix C: Tax Rate Table

Appendix D: Tigard Urban Service Agreement, November 26, 2002

Appendix E: Evaluation Criteria from 2003 Assessment Report

Technical Document B: Facilities and Public Services Assessment Report for the Bull Mountain Area, 2003 and The Bull Mountain Annexation Study, 2001 (including Appendix D, 2001 Tax Rate Table, and Appendix F, Question and Answer Packet)

Exhibit B: Staff Report

Attachment 2: Bull Mountain Annexation Plan Comment Log, through 11/18/03

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#### FISCAL NOTES

*The Bull Mountain Annexation Plan* proposes to annex approximately 1,378 acres of land into the City of Tigard with an assessed value of \$605,857,310 (North: \$193,411,910; East: \$52,016,420; South: \$251,261,770; West: \$109,167,210). The plan proposes a three-phased annexation, employing the following sequence: East, 2004; South, 2005; North and West, 2006.

CITY OF TIGARD, OREGON  
RESOLUTION NO. 03-

A RESOLUTION AND FINAL ORDER APPROVING THE BULL MOUNTAIN ANNEXATION PLAN ZONE CHANGE ANNEXATION (ZCA) 2003-00003/ZONE CHANGE ANNEXATION (ZCA) 2003-00004/ZONE CHANGE ANNEXATION (ZCA) 2003-00005/ZONE CHANGE ANNEXATION (ZCA) 2003-00006, ADOPTING FINDINGS.

---

WHEREAS, City staff has drafted a Bull Mountain Annexation Plan authorizing a possible approach to annexation of the Bull Mountain area to the City of Tigard; and

WHEREAS, the Bull Mountain Annexation Plan would add 1,378 acres, including approximately 7,600 residents living in 2,600 homes, from an area of unincorporated Washington County known as Bull Mountain to the Tigard City limits; and

WHEREAS, Bull Mountain is located within the Metro Urban Growth Boundary; and

WHEREAS, urban services to the Bull Mountain area will be provided according to the Tigard Urban Services Agreement; and

WHEREAS, the Annexation Plan states that the City of Tigard can serve the Bull Mountain area without a significant reduction in City service to Tigard residents; and

WHEREAS, while there are other methods for annexation, the annexation plan method was chosen because it requires the creation of a long-term annexation strategy; and

WHEREAS, because of the large land area involved, the Annexation Plan divides the area into four subareas (East, South, North and West) based on development patterns, topography and major roads; and

WHEREAS, the Annexation Plan calls for a three-phase annexation, in 2004 (East Subarea), 2005 (South Subarea) and 2006 (North and West Subareas); and

WHEREAS, the City Council held a public hearing on the Bull Mountain Annexation Plan on December 2, 2003, and

WHEREAS, the City Council has reviewed the testimony, submittals, and staff report on this matter; and

WHEREAS, the City Council concludes that the proposed Annexation Plan would be in compliance with all applicable review criteria in the Oregon Revised Statutes, Metro Code and the Tigard Community Development Code, as described in the Staff Report; and

WHEREAS, the Bull Mountain Annexation Plan would be subject to general voter approval at a later time,

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council approves applications ZCA2003-00003/ZCA2003-00004/ZCA2003-00005/ZCA2003-00006 – Bull Mountain Annexation Plan, attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2: The Tigard City Council adopts the findings stated in the Staff Report to the City Council, attached hereto as Exhibit B and incorporated herein by this reference. The Council further adopts the findings stated in the above-referenced Exhibit A.

SECTION 3: This resolution is effective when notice of the decision is mailed.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_, 2003.

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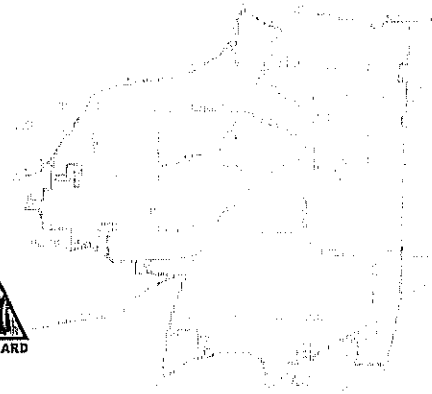
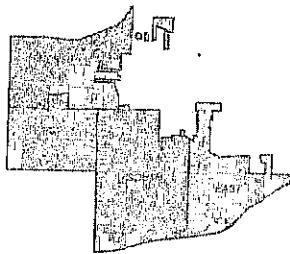
Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

## THE BULL MOUNTAIN ANNEXATION PLAN



*A STEP TOWARD COMPLETING  
OUR COMMUNITY*

*CITY OF TIGARD  
NOV. 17, 2003*

**THE BULL MOUNTAIN**  
**ANNEXATION PLAN**

**NOVEMBER 2003**

**PRODUCED BY:**

**THE CITY OF TIGARD**

**IN COLLABORATION WITH WASHINGTON COUNTY**

**CITY OF TIGARD  
13125 SW HALL BLVD.  
TIGARD, OR 97223  
503/639-4171**



# TABLE OF CONTENTS

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## EXECUTIVE SUMMARY

I. INTRODUCTION	1
II. ANNEXATION PLAN CRITERIA	5
A. LOCAL STANDARDS OF URBAN SERVICES	6
B. SCHEDULE FOR PROVIDING URBAN SERVICES	8
C. TIMING AND SEQUENCE OF ANNEXATION	11
D. EFFECT ON EXISTING SERVICE PROVIDERS	14
E. LONG-TERM BENEFITS OF THE PLAN	17
III. ADDITIONAL REQUIREMENTS	19
IV. CONCLUSION	21

## APPENDIX A: GLOSSARY

## APPENDIX B: FISCAL ANALYSIS UPDATE

## APPENDIX C: TAX RATE TABLE

## APPENDIX D: TIGARD URBAN SERVICE AGREEMENT, NOV. 26, 2002

## APPENDIX E: EVALUATION CRITERIA FROM 2003 ASSESSMENT REPORT

## TECHNICAL DOCUMENT B (AVAILABLE SEPARATELY)

- Draft *Facilities and Public Services Assessment Report for the Bull Mountain Area*, 2003.
- *The Bull Mountain Annexation Study*, 2001.

## EXECUTIVE SUMMARY

---

Twenty years ago, Washington County and the City of Tigard laid the groundwork for bringing Bull Mountain into Tigard's city limits (annexation). Although cattle and farms shared the mountain at that time, the County and City recognized that the area's inclusion within the Urban Growth Boundary would eventually lead to urban development. State land-use planning goals require the UGB to contain a 20-year supply of land, and, when conditions warrant, lands within the boundary must be available for urban uses. Washington County and Bull Mountain residents developed the 1983 Bull Mountain Community Plan, which assigned urban densities to the area but did not provide for all urban services.

However, statewide planning Goal 14 directs local governments to have a plan in place to allow for an orderly and efficient transition from rural to urban uses. In 1983, the County and City signed the Urban Planning Area Agreement (UPAA). The UPAA established Bull Mountain as part of the City's planning area and paved the way for the County and City to jointly serve the area. At the same time, the City's long-term vision for land-use and development in Tigard (the Comprehensive Plan) encouraged the annexation of all unincorporated areas. The City acknowledged that it should provide urban services to its own citizens - once areas require urban services, residents should receive all the benefits of citizenship, including representation.

Today, Bull Mountain has grown beyond its rural roots, and become an urbanized area with streets, sidewalks, and urban service needs. Farms have been largely replaced by subdivisions built at the same densities as adjacent Tigard neighborhoods. Urban areas need urban service providers - and cities, not counties, are best equipped to provide urban services. Over time, the needs of an urban area will outpace a non-urban provider's service capabilities.

There are approximately 7,600 residents living in 2,600 homes on the mountain's 1,378 unincorporated acres. Development of the remaining land to existing zoning standards would raise the overall population to just under 10,000. This additional growth will require additional facilities and services. Without annexation, the City has limited ability to plan for, provide for, and manage growth outside its City limits to ensure that efficient and effective public facilities and services are available when needed. Annexation would allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community.

The Tigard City Council established a goal in 2001 to develop an annexation policy/strategy for unincorporated areas. From 2001-2003, the City has thoroughly examined annexation and urban service issues for Bull Mountain. *The Bull Mountain Annexation Plan* builds upon these efforts and proposes an annexation strategy. It addresses the how, when, where and who of annexation. State law created the annexation plan process as a growth management tool for jurisdictions: the plan must address criteria related to urban service provision to the Plan Area, and is a prerequisite for an annexation vote by the annexing city and Plan Area.

## Recommendation

Using existing service agreements among agencies, cost-benefit analyses, and the 2003 *Public Facilities and Services Assessment Report for the Bull Mountain Area* recommendations, the plan addresses all criteria set forth by state law ORS195: the provision (how and when) of urban services, annexation's impact on existing providers, the timing and sequence of annexation, and the plan's long-term benefits. The plan also follows Tigard Comprehensive Plan policies, which require a review to determine that services can be provided to the annexed area and their provision will not significantly reduce service levels to the City of Tigard. Based on these criteria and previous research, the plan provides a proposal for transferring services and households to Tigard in an organized and efficient manner.

In order to provide City service standards to annexed residents and maintain standards to current residents, the Tigard City Council directed staff on November 4, 2003, to finalize the annexation plan with a three-phase approach. The plan proposes to annex Bull Mountain using the following sequence and timing:

**Phase 1 –2004.** Annex East. Brings in the area that is closest in proximity to the City and the least developed, and with the least service needs. Maximizes potential financial contributions by new development toward capital improvements.

**Phase 2 –2005.** Annex South. Next logical area due to location. Provides a connection to Urban Growth Boundary (UGB) expansion site 63. Annexing second allows additional acquisition time for equipment and staff.

**Phase 3 – 2006.** Annex North and West. Allows the City to develop its parkland and makes a connection to Urban Growth Boundary (UGB) expansion site 64.

It must be noted that individual annexations will occur in the Plan Area with or without an annexation plan. Currently, annexations occur at the owner's request, resulting in a piecemeal approach to incorporation. In contrast, *The Bull Mountain Annexation Plan* provides a comprehensive strategy for annexation. Long-term planning offers long-term benefits, including certainty of future incorporation, enhanced efficiency, and quantified costs and benefits – which provide certainty to Tigard residents that annexation will not impact their service levels. Financially, it captures more capital improvement dollars for parks and roads, and more funds to enhance capital facilities – such as the library and parks – currently used by both Bull Mountain and Tigard residents but paid for by Tigard residents.

Bull Mountain residents would receive park services, local representation, and urban services by an urban provider who can meet the needs of a growing community. Lastly, annexation would unify the community, as both the city and Bull Mountain residents can plan together for their future, a future joined together 20 years ago. In sum, *The Bull Mountain Annexation Plan* presents a clear and efficient approach to annex unincorporated Bull Mountain and a step toward completing our community.

## I. INTRODUCTION

---

Twenty years ago, Washington County and the City of Tigard laid the groundwork for Bull Mountain's annexation to Tigard. Although cattle and farms shared the mountain at that time, the County and City recognized that the area's inclusion within the Urban Growth Boundary would eventually lead to urban development. State land-use planning goals require the UGB to contain a 20-year supply of land, and, when conditions warrant, lands within the boundary must be available for urban uses. Washington County and Bull Mountain residents developed the 1983 Bull Mountain Community Plan, which assigned urban densities to the area but not urban services.

However, state planning Goal 14 directs local governments to have a plan in place to allow for an orderly and efficient transition from rural to urban uses. In 1983, the County and City signed the Urban Planning Area Agreement (UPAA), which established Bull Mountain as part of the City's planning area and paved the way for the County and City to jointly serve the area. At the same time, the City's long-term vision for land-use and development in Tigard (the Comprehensive Plan) encouraged the annexation of all unincorporated areas. The City acknowledged that it should provide urban services to its own citizens - once areas require urban services, residents should receive all the benefits of citizenship, including representation.

Today, Bull Mountain has grown beyond its rural roots, and become an urbanized area with streets, sidewalks, and urban service needs. Over time and additional agreements, Tigard has absorbed more services toward an eventual annexation, blurring the line between County and City. However, major services remain under the County's purview, as does jurisdiction. Without annexation, the City has limited ability to manage growth outside its city limits to ensure that efficient and effective public facilities and services are provided.

Since 2001, when the Tigard City Council established a goal to develop an annexation policy/strategy for unincorporated areas, the City has thoroughly examined urban service issues for Bull Mountain: *The Bull Mountain Annexation Study* (2001), which examined the costs and benefits of annexation; a public opinion survey of Tigard and Bull Mountain residents on annexation (2002); *The Public Facilities and Services Assessment Report for the Bull Mountain Area* (2003), which evaluated the factors affecting long-term service provision to Bull Mountain, including annexation.

The 2003 Assessment Report demonstrated that annexation would serve citizens the most efficiently and effectively over the long-term, providing urban levels of services to an area that has grown from a rural community to an urban neighborhood. In addition, annexation would allow the City to plan for Bull Mountain's future. Currently, unincorporated areas cannot collect parks system development charges (SDCs) from new developments or plan for parks, and the County has jurisdiction over the area's long-range planning. Annexation would allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community. As citizens of Tigard, Bull Mountain residents would have a say on local issues that affect their community's future.

*The Bull Mountain Annexation Plan* represents a significant step toward the realization of an united Tigard and Bull Mountain community. The plan lays out a blueprint for annexation as required by state law ORS195.205 and .220, which established the annexation plan process.

It addresses the how, when, where and who of annexation, but in essence, the plan is a proposal for transferring services and households to Tigard in an organized and efficient manner. It is based upon existing service agreements among agencies and cost-benefit analyses, and addresses the following, per state law ORS195.220:

- a) Local standards of urban service availability required as a precondition of annexation;
- b) The planned schedule for providing urban services to the annexed territory;
- c) The timing and sequence of annexation;
- d) The effects on existing urban services providers;
- e) The long-term benefits of the annexation plan.

The plan examines each criterion separately. Each section offers a brief explanation of the criterion and follows with text based on the City's previous research (*The Public Facilities and Services Assessment Report for the Bull Mountain Area*, 2003) and recent analysis produced by the City and County for this plan. Appendix A contains a glossary of planning terms used in this document. Technical Document B (available separately) contains copies of previous Bull Mountain reports.

## A) THE ANNEXATION PLAN AREA: BOUNDARIES

The Annexation Plan applies to the unincorporated area of Bull Mountain ("Plan Area"). It is bounded on the north by Barrows Road, on the east by Tigard city limits, to the south by Beef Bend Road, and on the west by the new Urban Growth Expansion Areas (Roy Rogers Road and 150<sup>th</sup> Ave.). (See Map 1 on page 3).

The land in the Plan Area is sloped—steeply in some areas—allowing for views at higher elevations. There is no commercial or industrial zoned land. Most of the property is zoned R-7, as designated in the Bull Mountain Community Plan, a medium-density residential zone requiring minimum lots sizes of 5,000 square feet. The area consists of a combination of 1) a mix of larger undeveloped lots, 2) larger lots developed through the County under different standards, and 3) smaller lots that are built to the minimum density allowed under the current zoning regulations.

### Subareas and Population Estimates

The Plan Area comprises 1,378 acres,<sup>1</sup> with approximately 7,600 residents living in 2,600 homes. Numbers are 2003 estimates based on Census 2000 figures and average growth rates.<sup>2</sup> This is consistent with the assessment report methods, with the exception of deducting four annexations that took place from late 2001 to 2003.<sup>3</sup>

Due to the area's size, it has been divided into four subareas: North, West, South and East. These subareas were developed

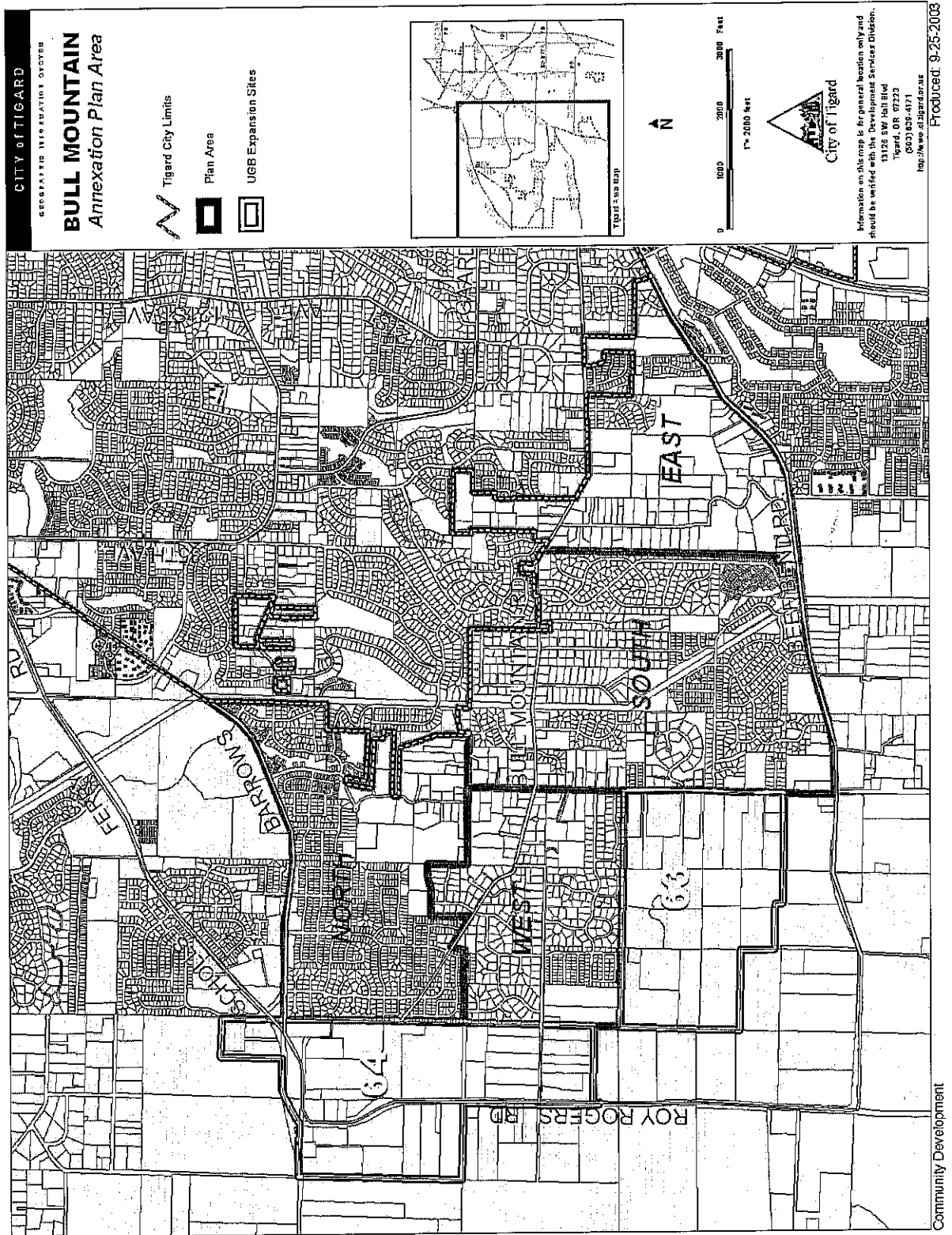
Table 1. 2003 Estimates

	Homes	Population
North	991	2930
West	346	982
South	1174	3259
East	167	452
Total	2678	7622
Based on census 2000/average growth rate		

<sup>1</sup> Differs from the 2001 study due to four annexations: Pacific Crest, Fern Street, Thornwood, Daffodil Hill.

<sup>2</sup> The numbers here (7,622 and 2,678) reflect 2003 projected population and deduct for annexations, differing from *The Bull Mountain Study* and *Public Facility and Services Assessment Report* numbers.

Map 1.



based on development patterns, topography, and man-made boundaries, such as major roads. The South area has the most homes and population, with North close behind. East has the least number of homes and people (Table 1 on p. 2).

### Future Projections

Future projections were estimated by calculating the number of new homes the area could potentially absorb at current zoning (R-7, or 5,000 sq. ft. lots), and taking half to allow for moderate development.<sup>4</sup> Based on these estimates, East has the largest share of future growth, due to large, undeveloped lots (Table 2). The remaining subareas have more developed subdivisions and few vacant lots, and have limited growth remaining.

*The Public Facilities and Services Assessment Report* (2003) used these numbers to approximate service needs, costs, and associated revenues.<sup>5</sup> The condition and number of roads, current condition of facilities, current and future population/homes, and year of development affected each subarea's needs. The Annexation Plan analysis is based upon the 2003 report conclusions and additional refinements to the report data.

Table 2. Moderate Growth  
(Estimated capacity)

	Homes	Population
North	1130	3331
West	496	1439
South	1317	3724
East	650	1356
Total	3593	9850
<i>Based on formula from 2001 Study; revised for annexations that occurred since 2001.</i>		

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<sup>4</sup>Based on vacant or underdeveloped lots. A moderate scenario was assumed due to the uncertainty of the land market – not every owner will fully develop each vacant or underdeveloped parcel.

<sup>5</sup> The 2003 *Report* did not deduct for annexations; the change did not significantly affect this analysis.

## II. ANNEXATION PLAN CRITERIA

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In 1993 the State Legislature established the annexation plan approach to make annexation an effective growth management tool for jurisdictions. Annexation plans require fiscal and territorial coordination between service providers, encourage the creation of long-term master plans, address the economic viability of special districts, and clarify the costs and benefits of annexation.<sup>6</sup>

Specifically, state law ORS195.220 requires annexation plans to include the following:

- a) Local standards of urban service availability required as a precondition of annexation;
- b) The planned schedule for providing urban services to the annexed territory;
- c) The timing and sequence of annexation;
- d) The effects on existing urban services providers;
- e) The long-term benefits of the annexation plan.

### What is an Urban Service?

ORS195 defines “urban services” as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit. *The Bull Mountain Annexation Plan* considers four additional services as essential elements for an urban community: police, storm sewer, building and development services, and street light maintenance.

### City of Tigard Annexation Criteria

The City’s Community Development Code criteria for annexations are consistent with ORS195.220. The Code (Title 18) states that the decision to annex property to the City shall be based on 1) all services and facilities being available to the area, and with sufficient capacity to provide service; and 2) satisfying all Comprehensive Plan policies.

Tigard’s Comprehensive Plan policies require a review to determine that services will be available to the annexed area and their provision will not significantly reduce service levels to the City of Tigard. The City’s Comprehensive Plan also encourages annexations that eliminate existing unincorporated ‘islands.’ It discourages expansions that result in irregular boundaries, making it difficult for the police to determine a parcel’s jurisdiction in an emergency situation.

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<sup>6</sup> From Department of Land Conservation and Development; <http://www.lcd.state.or.us/tgm/pub/3annex.htm>.



## A. LOCAL STANDARDS OF URBAN SERVICE AVAILABILITY

*An annexation plan adopted under ORS 195.205 shall include Local standards of urban services required prior to annexation and the availability of each service.*

### Level of Urban Services

The annexation plan process emphasizes coordination between service agencies to identify and address any service deficiencies early in the process, assuring that services can be provided to local standards after annexation. Prior to the plan, state law requires urban service agreements between all service providers in the affected territory. By taking this step first, agencies resolve future service provision issues and lay groundwork for the plan.

In February 2003, Washington County, the City of Tigard, other agencies and service districts finalized the Tigard Urban Service Agreement (TUSA) for the Bull Mountain area (Appendix D). In sum, all urban services are available for the Plan Area except recreation.<sup>7</sup> The agreement determines long-term service providers: the City of Tigard is the ultimate service provider for the Plan Area, except for services provided by special districts and agencies. Table 3 on p. 7 summarizes changes in local service standards between current and future providers.

### Urban Service Requirements Prior to Annexation

Table 3 demonstrates that City of Tigard standards offer higher levels of service for parks and open space, street maintenance, police, and long-range planning. Of those services, parks will require action by the County prior to annexation. Road quality maintenance also will require action per the Tigard Urban Service Agreement (TUSA). County action will allow the City to provide its standard of service following annexation. All other services will require only staffing and equipment to meet local service standards as summarized in Table 3. The specifics are addressed in section IIB.

### *Road Quality Maintenance*

- County improves roads so that all individual roads have a pavement condition index (PCI) of 40 or greater and the average PCI of streets and roads in the area is 75 or higher.

### *Parks and Open Space*

- County collects parks system development charges (SDCs) for new development prior to annexation. Upon annexation, those funds will transfer to Tigard and be used toward new facilities.

#### Summary: Criteria 1 (Local Standards of Urban Service Availability)

- ☒ All services except recreation are available to the Plan Area.
- ☒ Providers for each urban service are established, per urban service agreements.
- ☒ Local standards of urban service are identified.
- ☒ Where applicable, identified steps needed by the County to meet local standards prior to annexation.

<sup>7</sup> Neither Washington County nor Tigard provide this service at this time. However, Tigard has a Park and Recreation Advisory Board that can examine the issue in the future.

**Table 3. Bull Mountain: Service Standard Changes Following Annexation**

No Change: Service and Provider Remain the Same		
Service	Provider after Annexation	Do Local (Tigard) Standards differ from Current Standards?
Fire Protection & Emergency Services	Tualatin Valley Fire and Rescue	No.
Mass Transit	TriMet	No.
Building and Development Services	City of Tigard	No. Tigard now provides these services for Plan Area through an agreement with Washington County. The agreement will cease but Tigard continues same services.
Recreation	No provider. Tigard does not provide recreation services.	No. Not currently provided. However, Tigard has a Park and Recreation Advisory Board that can examine the issue in the future.
Schools	Annexation does not change school district boundaries.	
Service Remains the Same; Provider Changes		
Sanitary Sewer (Clean Water Services)	City of Tigard	No.
Water (Tigard Water District)	City of Tigard	No.
Street Light Maintenance (Washington County)	City of Tigard	No.
Storm Sewer (Clean Water Services)	City of Tigard	No.
Road Quality Maintenance* (Washington County) (*Actions to maintain pavement quality)	City of Tigard.	No. However, the Tigard Urban Service Agreement (TUSA) requires the County to improve individual roads to a pavement condition index (PCI) of at least 40, with all roads averaging at least 75, prior to transferring the roads and service.
Service Changes, Provider Changes		
Parks and Open Space (NONE)	City of Tigard. Washington County does not provide these services to unincorporated areas.	Yes; 8 acres/1,000 people.
Street Maintenance – (Washington County through the Urban Road Maintenance District)	City of Tigard	Yes. Mowing roadside grass and brush (strip and ditch line). Dust abatement on graveled roads. Vegetation removal for vision clearance. Crack sealing and road shoulders on 4-year cycle.
Police (Washington County Enhanced Sheriff Patrol District)	City of Tigard	Yes. Additional .5 officers/1000 people (city standard is 1.5 officers/1000).
Community Development – Long Range Planning (Washington County).	City of Tigard. This includes comprehensive planning, such as master plans. The 1983 Bull Mountain Community Plan is the operative plan Washington County has in place for the Plan Area.	Yes. Staff serves smaller area than County; focuses on local projects. Annexation will allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community.

## B. SCHEDULE FOR PROVIDING URBAN SERVICES

*An annexation plan adopted under ORS 195.205 shall include*  
The planned schedule for providing urban services to the annexed territory.

As shown in section IIA, the Plan Area receives most urban services today, some of which will be provided at higher standards after annexation. All services would be available upon annexation, due to the continuation of existing services per the Tigard Urban Service Agreement (TUSA).

To ensure smooth transitions, this section identifies when providers would transfer services. The following analysis reviews staff and equipment needs and evaluates where gradual provider transitions will best serve the Plan Area, are dictated by the TUSA, or are required to maintain existing service levels to current City of Tigard residents. *The Bull Mountain Annexation Plan* defines the annexation effective date ("upon annexation") as the day properties become part of Tigard's tax rolls. For analysis purposes, this section assumes a date of July 1, the first day of the new fiscal year following an approval by voters.

### Equipment and Staff Needs

For *The Public Facilities and Services Assessment Report*, City of Tigard staff from all affected departments projected start-up costs, needs, and ability to serve the entire Bull Mountain area or individual areas upon annexation. Each department based its analysis on current population and housing unit estimates, future service needs at build-out, and service standards.

All departments – except for Public Works (Streets Division) and Police – concluded that they could absorb any or all subareas using current resources, and without significantly reducing services to existing residents.

The Public Works and Police departments concluded the following:

- **Public Works.** Annexation of the Plan Area would increase the road mile inventory by 23%. The Streets Division could not absorb the entire Plan Area's roads and streets upon annexation without hiring two employees and purchasing three trucks immediately.
- **Police.** Police could absorb all or any subareas with existing resources; however, there would be a temporary reduction in response time to Priority Three calls (lowest priority, no one in danger; i.e., car prowls) within a few minutes. Citizens would not see a difference, and the change would not endanger lives. Internal shifts would occur to fully staff patrols until additional officers could be hired and fully trained.
- **Police.** The entire Plan Area requires 11 police officers, 1 supervisor, and 1 support staff. New officer hiring procedures established in 2003 now reduce the time needed to six months, as recruiting time has been significantly shortened by maintaining an applicant pool. It would take less than a year for the department to complete its staffing needs, hiring two phases of new officers at three-month intervals, without significantly reducing services to existing residents.

A detailed plan and schedule for hiring staff and purchasing or transferring equipment from Washington County will be developed by February 2004, as required by the TUSA.

### Agreement Provisions

The TUSA includes separate agreements for each service. For those services transferring to Tigard, the agreements state "upon annexation"; however, roads and streets can be transferred up to one year following annexation. The sewer agreement defers to a separate operating agreement between the City and Clean Water Services. The operating agreement transfers sanitary and storm sewer maintenance to the City on July 1, 2004. The agreement covers an area including Tigard and Bull Mountain, and includes provisions for equipment and funding. Annexation does not affect the transfer or provision of sanitary and storm sewer services.

### Proposed Schedule for Tigard Assuming Urban Services

A thorough consideration of TUSA requirements, Bull Mountain's service needs, and the effects on existing services to Tigard residents suggests the following schedule:

**Table 4. Proposed Schedule for Tigard to Provide Urban Services**

<b>Immediately Upon Annexation</b>
Building and Development Services (already provided)
Parks and Open Space — Bull Mountain receives resident privileges for City parks
Police
Sanitary and Storm Sewer (provided by Tigard effective July 1, 2004)
Street Light Maintenance
Water
<b>Within 1<sup>st</sup> year</b>
<ul style="list-style-type: none"><li>• <b>Parks and Open Space</b> — Initiate Capital Project planning for Cache Creek Nature Park. Explore additional park opportunities adjacent to Cache, including Tigard Water District reservoir property and Clute property. Develop playground either on Cache Creek or adjacent property. Maintenance begins once lands are bought and developed.</li><li>• <b>Road Quality Maintenance and Street Maintenance:</b> Within 30 days of annexation, the City will initiate the process to transfer jurisdiction of County and public streets and roads, including local streets, neighborhood routes, collectors and other roads. This transfer should take no more than one year from effective date of the annexation. Services will commence with full transfer.</li><li>• <b>Long-Range Planning</b> — Annexation will allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community.</li></ul>

#### Summary: Criteria 2 (Schedule for Providing Urban Services)

- ☒ City of Tigard can serve the Bull Mountain area without a significant reduction in service to Tigard residents.
- ☒ City of Tigard will assume all services upon annexation, except Road Quality and Street Maintenance.
- ☒ City of Tigard will initiate transfer of roads and streets within 30 days of annexation, serving the area within one year.
- ☒ Following annexation and within the first year, Tigard will initiate capital project planning for Parks and Open Space and long-range planning.
- ☒ Police can serve the entire area without a significant reduction in service. Until additional staff is hired and trained, only a reduction in Priority 3 calls (lowest priority; no one in danger) will occur until additional staff is hired.

## C. TIMING AND SEQUENCE

*An annexation plan adopted under ORS 195.205 shall include Timing and Sequence of Annexation.*

Annexation plans offer the option of phased, or incremental, annexations. In some instances, it may be more efficient to annex an entire area at one time. In other cases, a phased annexation allows the necessary time for service providers to hire enough staff and buy equipment.

*The Public Facilities and Services Assessment Report* examined nine sequencing options to identify the combinations which allowed the City to annex and efficiently serve the unincorporated Bull Mountain area. It also studied how timing (i.e., the year of annexation) affected service costs and the availability of capital improvement funds in the Plan Area.

### Sequencing

#### *Factors*

The assessment report examined annexing subareas alone, in contiguous pairs (i.e., West and North); and all areas at once. Three evaluation factors were chosen based on Tigard Comprehensive Plan policies, which require annexations 1) to not significantly reduce service levels to the City of Tigard and 2) the affected property to receive efficient service provision at capacity (no service islands or irregular boundaries). Each factor was weighted, based on the extent to which it implements those policies:

- 1) *Financial Impact*: Will this area be a financial drain on the city? Do service needs outpace tax dollars, and are there large capital improvements needed in the short term? (45 points)
- 2) *Efficiency of service provision*: Is it easy to access this area, or will staff have to cross unincorporated areas to do so? Does it create islands of unincorporated areas? Is there an economy of scale? (30 points)
- 3) *Adjacency to the new Urban Growth Boundary properties*, located to the south and west of the Plan Area. Metro approved these areas in December 2002. A future city link to these areas would enable long-term planning. (20 points)

An additional category was also included to capture additional considerations, such as publicly owned land with park potential, that didn't fit into the three main categories (5 points).

#### *Ranking*

The evaluation matrix ranked the nine options (the full evaluation matrix is located in Appendix E), concluding the following:

- The more areas annexed, the higher the ranking due to an increase in efficiency. Annexing all areas at once ranked most highly, due to economy of scale and its ability to support areas that ranked less highly.
- The contiguous pairs were ranked the next highest, followed by all individual subareas, with the exception of West. In every combination except all areas, West ranked low since it does not connect to City boundaries.

### *Consider Available Resources*

The plan recommendation must also consider comments by individual service providers regarding their ability to serve the area upon annexation, per the Comprehensive Plan. As detailed in section IIB, all service providers except for Public Works (Streets Division) and Police could absorb any or all subareas with current resources.

- **Public Works (Streets Division)** requires additional resources to serve the entire area upon annexation. Six months prior to assuming services, the department would require two additional staff and three trucks. Annexing without these resources would reduce services, including street light clearance pruning, crack sealing, and postponement of speed humps, unless the area was annexed in two or more phases.

Since the assessment report's completion, Public Works has indicated that a one-year delay in transferring roads and streets (as the TUSA allows) would give the department time to obtain resources.

- **Police** can serve Bull Mountain and the City of Tigard with current staff, resulting only in a reduction in Priority Three (lowest priority) call response times. The response time would vary within minutes, and citizens would not see a difference. Internal shifts would occur to fully staff patrols until additional officers could be hired and fully trained. The department will need to hire 11 additional officers, 1 supervisor, and 1 support staff.

The *Public Facilities and Service Assessment Report* concluded that delaying the effective date of annexation by up to a year would allow hiring and training of police staff and purchase of new equipment. However, since the report was completed, Police made two additional statements: 1) An all-areas annexation would provide an advantageous economy of scale, as a larger department can provide more services and reduced response times; and 2) a phased annexation would reach the same goal, but tax existing resources less and result in a higher quality of service in the interim.

*Conclusion: Phase the annexation.*

### **Timing**

The assessment report examined how timing (i.e., the year of annexation) affects the availability of capital improvement funds and general revenues in the Plan Area.

### *Capital Improvement Funds*

Funding for capital improvements, such as major road improvements, parks, and sanitary and storm sewer, are partially funded by system development charges (SDCs) paid by new development. SDCs act as growth management tools by helping pay for system improvements, such as roads and parks, needed as population and households increase.

In the Plan Area, SDCs are collected for storm and sanitary sewer, roads (the traffic impact fee or TIF), and water. However, Washington County does not collect parks SDCs in the Plan Area or provide parks services. Because SDCs are one-time charges applied to new developments, each new home built without SDCs represents lost revenue.

Once the County initiates a parks SDC for the Plan Area, and following annexation, SDCs would be collected and directed into City projects. The City of Tigard collects parks SDCs within its city limits, which are used for developing new parks. Without a parks SDC, delaying annexation impacts the City's ability to address Bull Mountain's parks capital needs. Each incremental delay lessens contributions – or eliminates them entirely in some subareas (new developments have been built). Based on recent development trends, the assessment report recommended that annexation of all areas should occur by 2005 to maximize potential financial contributions.

*Conclusion: Annex all areas by 2005 or have Washington County institute Parks SDCs in the interim and allow more time for annexation..*

#### **Timing and Sequencing Recommendation:**

Based on the timing and sequencing conclusions above, the Comprehensive Plan criteria, and the *Public Facilities and Services Assessment Report*, the most efficient recommendation would annex the entire Plan Area at one time prior to 2005. In the assessment report, this option ranked the most highly due to an economy of scale. However, it requires the authorization of police hiring prior to annexation, and a delay in the transfer of roads and streets until one year after annexation. At its November 4, 2003, meeting, the Tigard City Council supported a phased annexation to lessen the impact on City resources and to provide better service to both new and existing residents. Council recommended the following timing and sequence:

**Phase 1 –2004.** Annex East. Brings in the area that is closest in proximity to the City and the least developed, and with the least service needs. Maximizes potential financial contributions by new development toward capital improvements.

**Phase 2 –2005.** Annex South. Next logical area due to location. Provides a connection to Urban Growth Boundary (UGB) expansion site 63. Annexing second allows additional acquisition time for equipment and staff.

**Phase 3 – 2006.** Annex North and West. Allows the City to develop its parkland and makes a connection to Urban Growth Boundary (UGB) expansion site 64.

#### **Summary: Criteria 3 (Timing and Sequence)**

- ☒ *The more areas annexed, the higher the ranking due to an increase in efficiency.*
- ☒ *Based on department resource needs, the annexation needs to be phased.*
- ☒ *To fund future capital improvements, annexation should occur by 2005 or have Washington County institute a parks SDC in the interim and allow more time for annexation.*
- ☒ *City Council supports an option that takes more time, lessening the impact on City resources and providing better service to both new and existing residents.*
- ☒ *Therefore, annex Bull Mountain in three phases to provide City service standards to annexed residents and maintain*

## D. EFFECTS ON CURRENT PROVIDERS

*An annexation plan adopted under ORS 195.205 shall include*  
The effects on current urban services providers.

Previous sections evaluated the City of Tigard's ability to provide urban services to the Bull Mountain area. However, the service providers that cease serving the area would also be affected. This section examines the impact of withdrawing the Plan Area from current service districts, both on service quality and finances. Table 3 on page 7 provides a summary of service provider changes. The following information was developed in coordination with Washington County and the Tigard Water District, and is based upon estimated 2003 population and housing units (Table 1 on p. 2).

### Washington County

#### **Service Districts**

Washington County reviewed how annexing the Plan Area would impact County services and the services of its special districts. It determined that there will be no significant impact on these services.

#### *Enhanced Sheriff's Patrol District (ESPD)*

The ESPD is funded with a two-tiered financing plan that includes a permanent rate of \$0.6365 per \$1,000 and a local option dollar levy of \$6,150,000 per year for five years. The local option levy is authorized through 2008. As a result of this financial structure, only property tax revenue derived from the permanent rate will be affected by the proposed annexation.

Annexation of the Plan Area would remove an estimated 3,192 properties from the ESPD area, or 5.3% of the ESPD assessed value. As a result, the district would lose an estimated \$397,000 from the permanent rate if the entire Plan Area were to annex in one piece.

The ESPD supports a total of 94 certified officers. At the ESPD average service level of .51 officers per 1,000 population, the theoretical reduction in staff due to the annexation would be an estimated 3.9 FTE, or 4.1% of ESPD certified officers. However, it is anticipated that growth elsewhere in the district will mitigate the need for actual staff reductions. Therefore the impact on the ESPD from the annexation is considered minimal, due to the expected future growth in the remaining district over the next five years.

#### *Urban Road Maintenance District (URMD)*

The property tax revenue loss to the URMD is estimated to be \$153,000. This represents 5.5% of revenue of the URMD. The district provides the majority of its services through contracts rather than with paid staff. Due to the relatively small proportion of the URMD service area impacted by the proposed annexation and its reliance on contract-based work, the impact on the URMD is considered minimal.



#### *Street District for Lighting (SDL)*

Washington County operates a street lighting district throughout the County. As areas develop, special assessment areas are established to collect and pay for street light installation, maintenance, and power. The assessments are determined specifically for each area based on actual costs and assessed annually on property tax bills.

The proposed annexation area includes 49 street lighting district assessment areas encompassing 2,430 tax lots. The total assessment to be levied in these areas for FY 2003-04 is \$83,530.

Upon annexation, the street lighting assessments will no longer be levied. The impact of this lost revenue on the SDL is considered insignificant: the costs to provide maintenance and operation in the Plan Area will be absorbed by Tigard and no longer paid by the district. Because the street lighting assessments are included on property tax bills, coordination of the transition from the County Street District for Lighting to the City of Tigard will be important.

#### *Washington County*

Washington County would lose its share of County gas tax at an estimated \$3.71 per capita or \$27,179 due to the proposed annexation. The County would also lose an estimated \$43,475 per year in cable television franchise fees. Total County operating revenues from all sources for FY 2003-04 are \$297,000,000. The loss of the County gas tax share and cable franchise fee share will not have a significant impact on Washington County.

The County also has established a number of Road Maintenance Local Improvement Districts (LIDs) throughout the County. The County establishes these LIDs and determines the assessments, but it has not imposed the assessments. The purpose of each district is to ensure that road maintenance activities will be adequately funded as new development occurs. They are a backup funding mechanism to the Urban Road Maintenance District. No assessments have been levied; therefore, the districts have no fiscal impact.

#### **Tigard Water District**

The Tigard Water District (TWD) consists of approximately 3,500 accounts within the Urban Growth Boundary (UGB). It is generally bounded by Barrows Road on the north, Tigard city limits on the east, Beef Bend Road on the west and King City on the south. TWD, the City of Tigard, King City, and Durham compose the Intergovernmental Water Board. TWD serves properties that are inside the Urban Growth Boundary but unincorporated.

#### *Financial Impacts*

The district collects its only revenues from 1% of total water sales within its boundaries. All water sales are billed and managed by the City of Tigard, and the 1% is remitted on an annual basis.

Current accounts generate approximately \$18,000 in revenue for TWD. Annexing the Plan Area would withdraw 83% of current accounts and just less than half (48.6%) of the current

annual revenue. Approximately 524 accounts would remain in the district, producing approximately \$9,450 in revenue (Appendix B contains all figures).

#### *Institutional Impacts*

As Tigard and King City annex land, they withdraw those lands from TWD. If the Plan Area is annexed, approximately 83% of the current accounts would be withdrawn. The remaining district territory is within the UGB and would be annexed in the future. At that time, the district will cease to exist.

The TWD Board has discussed this scenario and has been briefed by the Tigard City Attorney on the process of dissolving the district, should the need develop. However, annexing the Plan Area would not necessarily cause the district to dissolve since approximately 524 accounts would remain. Those accounts could be annexed into either King City or Tigard in the future. The Tigard Water District Board may choose to dissolve the district following procedures clearly laid out in state law; that decision rests with the TWD Board.

#### **Other Districts**

The Plan Area currently is served by Tualatin Valley Fire and Rescue (TVF&R), TriMet, and Clean Water Services. The proposed annexation will have no impacts on TVF&R or TriMet, which also provide service to the City of Tigard.

The City of Tigard and Clean Water Services have entered into an agreement to transfer operation and maintenance of a portion of the Clean Water Services territory, including the Plan Area, to the City of Tigard effective July 1, 2004. The City is already scheduled to provide these services regardless of annexation. Therefore, the annexation of this territory to the City of Tigard is anticipated to have no impact on Clean Water Services.

#### Summary: Criteria 4 (Effects on Existing Service Providers)

- ☒ Washington County's services or the services of its special districts would not be significantly impacted by the annexation.
- ☒ The Tigard Water District would lose 83% of current accounts and 48.6% of current annual revenue. However, this does not cause the district to dissolve, as it can continue to serve its remaining customers.
- ☒ Other service providers would not be significantly impacted.

## E. LONG-TERM BENEFITS

*An annexation plan adopted under ORS 195.205 shall include*  
The long-term benefits of the annexation plan.

Individual annexations will occur in the Plan Area with or without an annexation plan. Currently, annexations occur at the owner's request, resulting in a piecemeal approach to incorporation. In contrast, *The Bull Mountain Annexation Plan* provides a comprehensive strategy for annexation, and long-term planning offers long-term benefits:

- **Completing the community.** Annexation would allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community. The plan presents a significant step toward completing our community as it was envisioned 20 years ago.
- **Smooth transition.** The plan's orderly schedule of annexation allows services to be phased in effectively. All needed services have been identified, along with interim measures to get these services on-line prior to annexation. Citizens can depend on a smooth transition.
- **Efficiency.** Ensures that annexations occur in an orderly manner. It eliminates piecemeal annexations, which can create inefficiencies for service providers due to irregular boundaries. By coordinating services, agencies assure that services are not duplicated and are provided by the most appropriate provider, leading to cost-savings and more efficient services.
- **Certainty.** The plan establishes a schedule for annexation and service area adjustments, which allows the City, County and affected special districts time to plan for changes and capital improvements. The plan provides certainty for homeowners and developments on annexation's timeline, which can be factored into future decisions in the Plan Area.
- **Urban services by an urban provider.** Bull Mountain has grown beyond its rural roots, and become an urbanized area with streets, sidewalks, and services that require city-level maintenance. Urban areas need urban service providers, as envisioned in the Tigard and Washington County comprehensive plans. Cities, not counties, are best equipped to provide urban services, and the plan assigns this duty to Tigard. Bull Mountain would receive its services from a provider just down the street who can respond quickly to service needs. Maintaining facilities at higher levels protects the original investment and prevents more costly improvements in the long run, maximizing available funds.
- **Known costs and benefits.** The plan clarified the costs and benefits of annexation to Bull Mountain residents, citizens of Tigard, the City and the County, and to all related agencies. By anticipating future needs, the analysis concluded that services

can be provided to both Bull Mountain and current residents without a significant reduction in services. It assures current Tigard residents they can continue to rely on the same standard of service they receive today. Annexation will not raise taxes for current Tigard residents.

- **Equity.** Annexation would allow all users to equitably share service costs. Bull Mountain residents enjoy Tigard parks and its library, but Tigard resident taxes pay for parks maintenance and almost half of the library capital costs (the other half comes from the County library system, for which all County residents pay). With annexation, everyone would pay for the same service, and facilities will benefit from increased maintenance dollars.
- **Parks services.** Tigard provides parks services only to the incorporated area. Upon annexation, Bull Mountain will receive resident privileges. The plan also allows the County to begin collecting system development charges. The funds would be frozen in a fund until annexation. At that time, the funds would transfer to Tigard for acquisition, planning and development of parks, including Cache Creek in the North subarea.
- **Unify the community.** As citizens of Tigard, Bull Mountain residents would have a say on local issues that affect their community's future. Although Tigard has included Bull Mountain residents in its planning efforts (The Parks Master Plan, Tigard Beyond Tomorrow), Bull Mountain residents cannot vote on Tigard issues or its leaders, or run for City Council. Considering this plan together would help both parties work together for their future.

Most of all, an annexation plan takes the guesswork out of future annexations. It is a blueprint for the Plan Area that clearly quantifies the future: *when* will annexation happen, *how* will it occur, *what* services can residents expect, and *how* much will it cost, and *why* it's going to happen. Both the Plan Area and the City can plan for the future, as they move closer to completing their community.

Summary: Criteria 5 (Long-Term Benefits)

- ☒ The plan provides a comprehensive strategy for annexation. The plan's long-term benefits include certainty, efficiency, making a smooth transition, more capital improvement dollars, urban services by an urban provider, quantifying the costs and benefits, equity, parks, and unifying the community.
- ☒ It allows the city and residents to plan for Bull Mountain's future.

### III. ADDITIONAL ANNEXATION PLAN REQUIREMENTS

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*The Bull Mountain Annexation Plan* proposes an orderly transition of services. It addresses the criteria contained in ORS 195.220:

1. Local standards of urban service availability required as a precondition of annexation;
2. The planned schedule for providing urban services to the annexed territory;
3. The timing and sequence of annexation;
4. The effects on existing urban services providers;
5. The long-term benefits of the annexation plan.

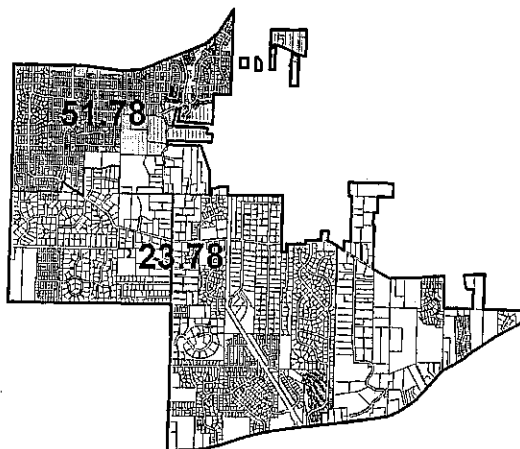
The plan process also requires two additional documents:

**1. Urban Services Agreement** with all urban services providers in the Plan Area. All providers in the Plan Area signed the Tigard Urban Service Agreement, and it took effect in February 2003. A copy is included as Appendix D.

**2. Fiscal impact agreement** between the county and annexing city if the annexation causes reductions in the county property tax revenues (compression). The Washington County Finance Department conducted the following analysis:

ORS 195.205(2)(b) states that "The territory contained in the annexation plan is subject to an agreement between the city and county addressing fiscal impacts, if the annexation is by a city and will cause reductions in the county property tax revenues by operation of section 11b, Article XI of the Oregon Constitution."

Section 11b, Article XI of the Oregon Constitution (commonly known as Measure 5) limits total non-school property tax rates to no more than \$10 per \$1,000 of assessed valuation. If the tax rates of all non-school taxing jurisdictions exceed \$10 per \$1,000, the rates of each district are proportionately reduced to bring the total under the \$10 limit. This process is called compression.



The proposed Bull Mountain annexation area makes up the majority of tax code area 23.78 and 51.78. The government tax rate in both code areas for FY 2002-03 was \$5.8878 per \$1,000. With tax rate adjustments in both codes due to the proposed annexation, the estimated resulting rate will be \$7.1318 per \$1,000. This rate is well below the \$10 Measure 5 cap and therefore compression is not likely to occur in the near future. The Plan Area will continue to pay County taxes after annexation, as all Tigard areas do.

As a result, no agreement between the City and the County is required under this section because annexation of the Plan Area is not expected to cause reductions in County property tax revenues due to compression.

### Summary: All Requirements for Annexation Plans

#### 1. Plan Criteria

- ☒ Local standards of urban service availability required as a precondition of annexation;
- ☒ The planned schedule for providing urban services to the annexed territory;
- ☒ The timing and sequence of annexation;
- ☒ The effects on existing urban services providers;
- ☒ The long-term benefits of the annexation plan.

#### 2. Pre-Requisite

- ☒ Urban Service Agreements in place. (TUSA; effective February 2003)

#### 3. Fiscal Impact Agreement Between City and County if Compression Occurs

- ☒ County property taxes will not be reduced due to compression. No fiscal agreement is required.

☒ All requirements have been addressed.

## IV. CONCLUSION

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*The Bull Mountain Annexation Plan* presents a systematic and efficient approach to annex unincorporated Bull Mountain and move toward completing the Tigard community. Using existing service agreements among agencies and cost-benefit analyses, the plan addresses all criteria set forth by state law ORS195: the provision (how and when) of urban services, annexation's impact on existing providers, the timing and sequence of annexation, and the plan's long-term benefits. Most critically, the plan provides a proposal for transferring services and households to Tigard in an organized and efficient manner, grounded solidly on the ORS195.220 criteria.

In order to provide City service standards to annexed residents and maintain standards to current residents, the plan proposes to annex Bull Mountain in three phases:

**Phase 1 –2004.** Annex East. Brings in the area that is closest in proximity to the City and the least developed, and with the least service needs. Maximizes potential financial contributions by new development toward capital improvements.

**Phase 2 –2005.** Annex South. Next logical area due to location. Provides a connection to Urban Growth Boundary (UGB) expansion site 63. Annexing second allows additional acquisition time for equipment and staff.

**Phase 3 – 2006.** Annex North and West. Allows the City to develop its parkland and makes a connection to Urban Growth Boundary (UGB) expansion site 64.

## APPENDIX A

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### GLOSSARY

**Annexation:** The act of permanently bringing unincorporated land areas into a City by transferring properties from the County tax roll to the City tax roll. Household residents become residents of the annexing city, and receive City resident services.

**Annexation Effective Date:** Following a yes vote and verification of results, annexation would become effective day one of the following fiscal year (July 1, 2004) for East; July 1, 2005, for South; July 1, 2006, for North and West.

**Availability:** The service is provided to the area and the infrastructure is present. It does not mean that each household receives the actual service; for example, in the case of sewer, hook-ups are available in the area, but some households maintain septic tanks until they decide to connect.

**Comprehensive Plan:** The document that envisions how lands will be used and developed in a community and sets policy accordingly. It coordinates all functional and natural systems (i.e., facilities and natural resources). Each Oregon jurisdiction is required by state land-use planning laws to have an adopted comprehensive plan. The plan includes a generalized land use map. The land-use zoning code implements the comprehensive plan. Tigard's is available on its website, [www.ci.tigard.or.us](http://www.ci.tigard.or.us)

**Long-Range Planning:** Arm of Community Development that is tasked with meeting State Planning Goals. Staff develops long-term land use and transportation strategies, and plans for future growth.

**Plan Area:** The Annexation Plan applies to the unincorporated area of Bull Mountain. See Map 1 on page 3 for a delineation of boundaries.

**Unincorporated:** Lands that are not located inside any city limits. These areas are governed by Washington County.

**Urban Growth Boundary (UGB):** Boundary that divides metropolitan areas from the surrounding rural areas. Areas within the UGB can be developed at urban standards; areas outside the UGB cannot.

**Urban Planning Area:** The City of Tigard's ultimate boundary, determined through the Urban Planning Area Agreement with Washington County.

**Urban Service:** Services that typically are provided to incorporated areas. ORS195 defines urban services as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit. *The Bull Mountain Annexation Plan* also considers the following services as urban: police, storm sewer, building and development services, and street light maintenance.



**Urbanization:** To provide for an orderly and efficient transition from rural to urban land use, consistent with State Planning Goal 14 (Urbanization). Land within the boundaries separating urbanizable land from rural land (UGB) is considered available over time for urban uses.

**ACRONYMS:**

**ORS:** Oregon Revised Statutes; state law.

**SDCs:** System Development Charges. Fees paid by new development to fund future capital improvements. SDCs act as growth management tools by helping pay for system improvements needed as population and households increase.

**TUSA:** Tigard Urban Services Agreement. Signed by the City, Washington County, and all current and future service providers for the unincorporated areas within Tigard's planning area. Determines future service providers and process for transferring services between providers upon annexation. The TUSA took effect in February 2003, and is a pre-requisite for an annexation plan.

**UGB:** Urban Growth Boundary. Divides metropolitan areas from the surrounding rural areas. Areas within the UGB can be developed at urban standards; areas outside the UGB cannot.

**UPAA:** Urban Planning Area Agreement. An agreement between Washington County and City of Tigard which established Bull Mountain as part of the City's Urban Planning Area. It was originally signed in 1983 and updated most recently in fall 2003.

### Bull Mountain Annexation Plan Fiscal Analysis Update

The City of Tigard has conducted two previous studies of the impacts of annexing the Bull Mountain area. *The Bull Mountain Annexation Study* was completed in November 2001. *The Public Facilities and Services Assessment Report for the Bull Mountain Area* (draft) was completed in July 2003. Both studies looked at a variety of factors, including the costs of direct service to the Bull Mountain area and revenues that would be generated to pay for those services. These analyses did not attempt to calculate central administrative costs on the assumption that the existing central administrative support structure could absorb the additional workload that would come with annexation of additional territory.

The earlier studies looked at the costs and revenues associated with annexation at points in time (current, maximum build-out, and medium build-out in the *Annexation Study*; and 2005, 2010, and 2015 in *Draft Public Facilities and Services Assessment Report*.) For the purposes of this *Annexation Plan*, it is necessary to look at the total cost of service at the point of full development (which may not be the same as developing to the maximum capacity.) For the purposes of this analysis, we have assumed that the area will reach maximum development by 2015. Accordingly, this *Plan* looks at the cost of providing the level of services needed in 2015 and the operating revenues generated at that level of development.

In addition to operating costs and revenues, it is also necessary to analyze one-time capital needs and revenues. The analysis in this Plan looked at the level of one-time capital revenues generated from the point of annexation (assumed to be 2004) to the level of development anticipated in 2015.

The fiscal impacts of the earlier studies were calculated in 2001 and 2002 dollars. For purposes of this *Annexation Plan*, those fiscal analyses were updated to reflect 2003 dollars. No assumptions for future inflation were built into either the revenue or cost estimates.

Cost and revenue projections for the study area rest on three primary footings: population, number of housing units, and current assessed values.

First, staff reviewed and updated housing unit and population figures for all four sub areas. There have been a number of annexations to the City of Tigard within the study areas since 2002. Each annexation changed the boundaries of the study area and reduced the number of housing units and population remaining to be annexed. In addition, staff reviewed boundaries between sub areas to make sure that they followed subdivision and tax lot lines. Based on this review, staff

changed the boundary between the North and West sub areas. Finally, staff updated housing unit and population figures to reflect recent development.

Washington County staff used the updated maps of the Bull Mountain study area and sub areas to determine current assessed values.

The net effect of the changes discussed above were minor adjustments to the number of housing units and population. Given the small size of these adjustments, staff determined that earlier work to determine the basic costs of ongoing services to, and one-time capital needs of the study areas were still valid. Two corrections were identified, however. The November 2001 study identified two costs which were inadvertently omitted for the July 2003 study: the costs of recruiting 13 new police officers required to serve the Bull Mountain area and the cost of expanding the Police Department building to house the additional officers. Both costs have been added back into the Annexation Plan. Finally, all operating costs were increased by the Consumer Price Index of 1.68% to update the 2002 projections to 2003 dollars. All one-time capital costs were updated by the Construction Cost Index of 2.1% to reflect 2003 dollars.

Staff also reviewed and updated all revenue projections. Since the earlier two studies, some fees and charges have been increased. In addition, other revenues are estimated on a per capita or per housing unit basis. Many of those revenues have fluctuated, which required updating of per capita and per housing unit rates. These revised rates were then applied to the updated housing unit and population figures.

Finally, since the publication of the two earlier reports, a citizen Transportation Funding Task Force has recommended the adoption of a street maintenance fee to help pay for major maintenance of the street system. Statewide, most jurisdictions are dealing with insufficient gas tax and other street-related revenues which are impacting their ability to maintain their street systems. Many jurisdiction, including Tigard, are looking for additional funding sources such as the street maintenance fee.

This recommendation has been presented to the City Council, which has directed staff to prepare an ordinance to implement the fee and to bring that ordinance back to the Council for their consideration. The Council has not yet taken action on that ordinance. In updating the earlier financial analyses, staff has calculated the annual revenues from a street maintenance fee structured as recommended by the Transportation Funding Task Force, and calculated how much revenue that fee would produce from the Bull Mountain Annexation area in 2004. The following table shows how much revenue would be generated in 2004 from the Bull Mountain area if this fee is adopted by the Tigard City Council and Bull Mountain is annexed. These revenues would help to offset costs shown on the following tables charged to the Gas Tax Fund.

Table 1  
Potential 2004 Bull Mountain Street Maintenance Fee Revenues

## Appendix B

North	West	South	East	Total
\$26,743	\$9,319	\$31,680	\$4,514	\$72,257

The following tables present the updated cost and revenue projections for the Bull Mountain area.

Table 2a

Projected Revenues and Costs by Fund for the Bull Mountain Area, North Unit  
Operating Costs

Fund	Revenue	Operating Cost	Balance
General	\$1,001,368	\$533,298	\$468,070
Gas Tax	\$121,782	\$147,302	(\$25,520)
Sanitary Sewer	\$72,195	\$47,977	\$24,218
Storm Sewer	\$41,112	\$45,138	(\$4,026)
Water	\$535,188	\$349,271	\$185,917

Table 2b

Projected Revenues and Costs by Fund for the Bull Mountain Area, North Unit  
One-Time Capital Costs

Fund	Fund Balance/ Capital Revenue	One-Time Capital Cost	Balance
General	\$468,070	\$0	\$468,070
Gas Tax	(\$25,520)	\$297,111	(\$322,631)
Sanitary Sewer	\$309,113	\$295,069	\$14,044
Storm Sewer	\$54,474	\$0	\$54,474
Water	\$185,917	\$0	\$185,917
Traffic Impact Fee	\$318,240	\$3,461,190	(\$3,142,950)
Parks CIP	\$204,399	\$453,120	(\$248,721)
Water SDC	\$361,296	\$367,560	(\$6,264)

Table 3a

Projected Revenues and Costs by Fund for the Bull Mountain Area, West Unit  
Operating Costs

Fund	Revenue	Operating Cost	Balance
General	\$809,097	\$302,215	\$506,881
Gas Tax	\$45,094	\$293,020	(\$247,927)
Sanitary Sewer	\$28,385	\$20,386	\$7,999
Storm Sewer	\$16,164	\$17,737	(\$1,573)
Water	\$210,420	\$147,639	\$62,781

Table 3b

## Appendix B

### Projected Revenues and Costs by Fund for the Bull Mountain Area, West Unit One-Time Capital Costs

Fund	Fund Balance/ Capital Revenue	One-Time Capital Cost	Balance
General	\$506,881	\$0	\$506,881
Gas Tax	(\$247,927)	\$315,489	(\$563,416)
Sanitary Sewer	\$356,204	\$384,917	(\$28,713)
Storm Sewer	\$69,927	\$0	\$69,927
Water	\$62,781	\$0	\$62,781
Traffic Impact Fee	\$388,960	\$530,920	(\$141,960)
Parks CIP	\$249,821	\$1,914,375	(\$1,664,554)
Water SDC	\$291,863	\$0	\$291,863

Table 4a  
Projected Revenues and Costs by Fund for the Bull Mountain Area, South Unit  
Operating Costs

Fund	Revenue	Operating Cost	Balance
General	\$1,261,667	\$625,477	\$636,190
Gas Tax	\$134,774	\$233,934	(\$99,160)
Sanitary Sewer	\$84,585	\$52,733	\$31,852
Storm Sewer	\$48,468	\$49,862	(\$1,694)
Water	\$627,042	\$388,113	\$238,929

Table 4b  
Projected Revenues and Costs by Fund for the Bull Mountain Area, South Unit  
One-Time Capital Costs

Fund	Fund Balance/ Capital Revenue	One-Time Capital Cost	Balance
General	\$636,190	\$272,811	\$363,379
Gas Tax	(\$99,160)	\$2,552,500	(\$2,651,660)
Sanitary Sewer	\$316,747	\$95,974	\$220,773
Storm Sewer	\$56,806	\$0	\$56,806
Water	\$238,929	\$0	\$238,929
Traffic Impact Fee	\$318,240	\$1,255,830	(\$937,590)
Parks CIP	\$204,399	\$1,914,375	(\$1,709,976)
Water SDC	\$361,296	\$366,641	(\$5,345)

Table 5a  
Projected Revenues and Costs by Fund for the Bull Mountain Area, East Unit  
Operating Costs

Fund	Revenue	Operating Cost	Balance
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## Appendix B

General	\$1,649,439	\$262,738	\$1,386,701
Gas Tax	\$20,737	\$50,231	(\$29,494)
Sanitary Sewer	\$13,718	\$13,811	(\$93)
Storm Sewer	\$7,812	\$11,208	(\$3,396)
Water	\$101,695	\$147,944	(\$46,249)

Table 5b  
Projected Revenues and Costs by Fund for the Bull Mountain Area, East Unit  
One-Time Capital Costs

Fund	Fund Balance/ Capital Revenue	One-Time Capital Cost	Balance
General	\$1,386,701	\$0	\$1,386,701
Gas Tax	(\$29,494)	\$581,970	(\$611,464)
Sanitary Sewer	\$1,166,272	\$499,269	\$667,003
Storm Sewer	\$236,104	\$0	\$236,104
Water	(\$46,249)	\$1,337,510	(\$1,383,759)
Traffic Impact Fee	\$1,302,880	\$2,695,440	(\$1,392,560)
Parks CIP	\$836,813	\$5,743,125	(\$4,906,312)
Water SDC	\$1,479,152	\$9,025,640	(\$7,546,488)

Table 6a  
Projected Revenues and Costs by Fund for the Bull Mountain Area, Total Area  
Operating Costs

Fund	Revenue	Operating Cost	Balance
General	\$4,721,571	\$1,723,729	\$2,997,842
Gas Tax	\$322,386	\$724,487	(\$402,101)
Sanitary Sewer	\$198,883	\$134,907	\$63,976
Storm Sewer	\$113,256	\$123,945	(\$10,689)
Water	\$1,474,345	\$1,032,967	\$441,378

Table 6b  
Projected Revenues and Costs by Fund for the Bull Mountain Area, Total Area  
One-Time Capital Costs

Fund	Fund Balance/ Capital Revenue	One-Time Capital Cost	Balance
General	\$2,997,842	\$272,811	\$2,725,031
Gas Tax	(\$402,101)	\$3,747,070	(\$4,149,171)
Sanitary Sewer	\$2,148,336	\$1,275,229	\$873,107
Storm Sewer	\$417,311	\$0	\$417,311
Water	\$441,378	\$1,337,510	(\$896,132)
Traffic Impact Fee	\$2,328,320	\$7,943,380	(\$5,615,060)
Parks CIP	\$1,495,432	\$10,024,995	(\$8,529,563)

## Appendix B

Water SDC	\$2,493,607	\$9,759,841	(\$7,266,234)
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The results of these analyses show that the Bull Mountain annexation area will generally more than pay for direct general governmental operational services (primarily police and planning) and for direct operations of the two primary governmental utilities serving the area (water and sanitary sewer). The major exception to this trend is the operation of the street system. The operation of the street system is funded primarily from state and county gas taxes. Gas tax revenues attributable to the Bull Mountain area are insufficient to cover operating costs of street in that area.

One-time capital costs are paid for by a combination of operating fund balances and dedicated capital revenues. A comparison of available resources versus identified capital needs reveals major revenue shortfalls for most service areas. Simply put, the Bull Mountain area by itself will not produce enough revenues to build the capital facilities it needs for streets, parks, and water.

It is important to note that when looked at from a City perspective, this analysis can be misleading. The City operates a number of systems that serve the entire City (including in some cases the Bull Mountain area whether or not it is annexed), not discrete geographical areas. These systems include those covered in this analysis: Police, Streets, Water, Sanitary Sewer, Storm Sewer, Parks, and Planning services. Any one discrete geographical area in the City or adjacent to the City may or may not produce sufficient revenues to serve that area, but what is important is that the system as a whole can provide services to the entire area. The City's systems are financially strong, and these services can be provided to the entire area, including Bull Mountain should it be annexed to the City.

Conversely, this analysis can be very instructive when looked at from the perspective of an area being considered annexation. If the area were to attempt to obtain these same services at the level provided by the City of Tigard as a stand alone district, it may or may not be able to cover operating costs. It would be unable to pay for needed capital improvements without a substantial influx of additional revenues.

**Tigard Water District**

August 28, 2003

**Bull Mountain Accounts**

Route # 2, 10, 12, 36, 37, 38, 39, 42, 3, 41 (000-0860, 8023-9999)

Customer Type	# Active Accounts	# Suspended Accounts	Water Sales (Previous 12 Months)
Residential	2,880	69	\$837,838.05
Commercial	2	0	\$1,554.71
Irrigation	26	7	\$27,314.56
Multi-Family	27	0	\$30,508.58
Total	2,935	76	\$897,215.90

**All Other TWD Accounts**

Route # 92, 98, 86, 84, 41 (0851-8022)

Residential	459	12	\$101,340.91
Commercial	4	3	\$3,996.64
Irrigation	7	0	\$4,949.84
Multi-Family	38	1	\$834,844.73
Total	508	16	\$945,132.12

Note: Given the water sales for the previous twelve month period, the Tigard Water District would receive \$8,972.16 in revenue.



July 1, 2003 - June 30 2004  
Estimated Property Tax for a House  
With an Assessed Value<sup>1</sup> of  
\$250,000

Taxing District	City of Tigard Tax Area 23.74		Unincorporated Washington County Tax Area 23.78		crease or (Decrease) With Annexation	Unincorporated Washington County Tax Area 51.78		crease or (Decrease) With Annexation
	Rate	Amount	Rate	Amount	Amount	Rate	Amount	Amount
<b>Schools</b>								
Ed. Service Dist. - NW Regional	0.1538	\$38.45	0.1538	\$38.45	\$0.00	0.1538	\$38.45	\$0.00
Portland Community College	0.2828	\$70.70	0.2828	\$70.70	\$0.00	0.2828	\$70.70	\$0.00
Tigard School District - 23J <sup>2</sup>	5.9892	\$1,497.30	5.9892	\$1,497.30	\$0.00	0.0000	\$0.00	\$0.00
Beaverton School District - 48 <sup>2</sup>	0.0000	\$0.00	0.0000	\$0.00	\$0.00	6.1930	\$1,548.25	\$0.00
Total Education Taxes <sup>4</sup>	6.4258	\$1,606.45	6.4258	\$1,606.45	\$0.00	6.6296	\$1,657.40	\$0.00
<b>General Government</b>								
Washington County <sup>3</sup>	2.6576	\$664.40	2.6576	\$664.40	\$0.00	2.6576	\$664.40	\$0.00
Tualatin Valley Fire & Rescue <sup>3</sup>	1.7752	\$443.80	1.7752	\$443.80	\$0.00	1.7752	\$443.80	\$0.00
Port of Portland <sup>3</sup>	0.0701	\$17.53	0.0701	\$17.53	\$0.00	0.0701	\$17.53	\$0.00
City of Tigard <sup>3</sup>	2.5131	\$628.28	0.0000	\$0.00	\$628.28	0.0000	\$0.00	\$628.28
Metro <sup>3</sup>	0.0966	\$24.15	0.0966	\$24.15	\$0.00	0.0966	\$24.15	\$0.00
Washington County Enhanced Patrol	0.0000	\$0.00	1.1650	\$291.25	(\$291.25)	1.1650	\$291.25	(\$291.25)
Washington County Road Maintenance	0.0000	\$0.00	0.2456	\$61.40	(\$61.40)	0.2456	\$61.40	(\$61.40)
Wash. County Street Light Assessment <sup>5</sup>		\$0.00		\$35.00	(\$35.00)		\$35.00	(\$35.00)
Total General Government	7.1126	\$1,778.15	6.0101	\$1,537.53	\$240.63	6.0101	\$1,537.53	\$240.63
<b>General Obligation Bonds</b>								
Washington County	0.2377	\$59.43	0.2377	\$59.43	\$0.00	0.2377	\$59.43	\$0.00
Portland Community College	0.2290	\$57.25	0.2290	\$57.25	\$0.00	0.2290	\$57.25	\$0.00
Tigard School District - 23J	1.1280	\$282.00	1.1280	\$282.00	\$0.00	0.0000	\$0.00	\$0.00
Beaverton School District - 48	0.0000	\$0.00	0.0000	\$0.00	\$0.00	1.8172	\$454.30	\$0.00
Tualatin Valley Fire & Rescue	0.0513	\$12.83	0.0513	\$12.83	\$0.00	0.0513	\$12.83	\$0.00
Port of Portland	0.0000	\$0.00	0.0000	\$0.00	\$0.00	0.0000	\$0.00	\$0.00
City of Tigard	0.1650	\$41.25	0.0000	\$0.00	\$41.25	0.0000	\$0.00	\$41.25
Metro	0.1934	\$48.35	0.1934	\$48.35	\$0.00	0.1934	\$48.35	\$0.00
Tri-Met	0.1080	\$27.00	0.1080	\$27.00	\$0.00	0.1080	\$27.00	\$0.00
Total General Obligation Bonds	2.1124	\$528.10	1.9474	\$486.85	\$41.25	2.6366	\$659.15	\$41.25
Grand Total	15.6508	\$3,912.70	14.3833	\$3,630.83	\$281.88	15.2763	\$3,854.08	\$281.88
Perecent Change					7.8%			7.3%

**Notes**

- 1 Assessed Value no longer equals Market Value
- 2 Annexation to a city does not change the school district that serves the area
- 3 Permanent rate set by Measure 50
- 4 Education Taxes are limited by Measure 5 to no more than \$5 per \$1,000 of Real Market Value, but Measure 50 established permanent rates per \$1,000 of Assessed Value. The data presented is from the Washington County Assessors Office which is responsible for monitoring tax rates.
- 5 Those areas that are served by Street Lighting Districts pay for the cost of operating and maintaining the street lights. Washington County reports that the average annual assessment per household is \$35. Actual assessments will vary by district.

# **TIGARD URBAN SERVICE AGREEMENT**

## **November 26, 2002**

This AGREEMENT is made and entered into by and between Washington County, a municipal corporation of the State of Oregon, hereinafter "COUNTY," the City of Tigard, a municipal corporation of the State of Oregon, hereinafter "CITY," Metro, a metropolitan service district of the State of Oregon, hereinafter "METRO," and the following Special Districts of the State of Oregon, hereinafter "DISTRICT(S),"

Clean Water Services;  
Tigard Water District;  
Tri-Met;  
Tualatin Hills Park and Recreation District;  
Tualatin Valley Fire and Rescue District; and  
Tualatin Valley Water District

### **RECITALS**

WHEREAS, ORS 195.025(1) requires METRO, through its regional coordination responsibilities, to review urban service agreements affecting land use, including planning activities of the counties, cities, special districts, state agencies; and

WHEREAS, ORS 195.020(4)(e) requires cooperative agreements to specify the units of local government which shall be parties to an urban service agreement under ORS 195.065; and

WHEREAS, ORS 195.065(1) requires units of local government that provide an urban service within an urban growth boundary to enter into an urban service agreement that specifies the unit of government that: will deliver the services, sets forth the functional role of each service provider, determines the future service area, and assigns responsibilities for planning and coordination of services; and

WHEREAS, ORS 195.065(1) and (2) require that the COUNTY shall be responsible for:

1. Convening representatives of all cities and special districts that provide or declare an interest in providing an urban service inside an urban growth boundary within the county that has a population greater than 2,500 persons for the purpose of negotiating an urban service agreement;
2. Consulting with recognized community planning organizations within the area affected by the urban service agreement; and
3. Notifying Metro in advance of meetings to negotiate an urban service agreement to enable Metro's review; and

WHEREAS, ORS 195.075(1) requires urban service agreements to provide for the continuation of an adequate level of urban services to the entire area that each provider serves and to specify if there is a significant reduction in the territory of a special service district; and

WHEREAS, ORS 195.075(1) requires that if there is a significant reduction in territory, the agreement shall specify how the remaining portion of the district is to receive services in an affordable manner; and

WHEREAS, ORS 195.205 TO 195.235 grant authority to cities and districts (as defined by ORS 198.010) to annex lands within an urban growth boundary, subject to voter approval, if the city or district enacts an annexation plan adopted pursuant to ORS 195.020, 195.060 to 195.085, 195.145 to 195.235, 197.005, 197.319, 197.320, 197.335, and 223.304, and if the city or district has entered into urban service agreements with the county, cities and special districts which provide urban services within the affected area; and

WHEREAS, ORS 197.175 requires cities and counties to prepare, adopt, amend, and revise their comprehensive plans in compliance with statewide planning goals, and enact land use regulations to implement their comprehensive plans; and

WHEREAS, Statewide Planning Goals 2, 11, and 14 require cities and counties to plan, in cooperation with all affected agencies and special districts, for the urbanization of lands within an urban growth boundary, and ensure the timely, orderly, and efficient extension of public facilities and urban services.

NOW, THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

## **I. ROLES AND RESPONSIBILITIES**

- A. Parties to this AGREEMENT shall provide land use planning notice to each other in accordance with the provision of the "Cooperative Agreements," developed per ORS 195.020(4)(e).
- B. The parties to this AGREEMENT are designated as the appropriate provider of services to the citizens residing within their boundaries as specified in this AGREEMENT.
- C. The CITY is designated as the appropriate provider of services to citizens residing within its boundaries and to adjacent unincorporated areas subject to this AGREEMENT as shown on Map A, except for those services that are to be provided by another party as specified in this AGREEMENT.
- D. The CITY and COUNTY will be supportive of annexations to the CITY over time. The CITY shall endeavor to annex the unincorporated areas shown on Map A, in keeping with the following schedule:
  - 1. Near to mid-term (3 to 5 years): Bull Mountain area and unincorporated lands north of the Tualatin River and south of Durham Road and

2. Far-term (10 years or later): Metzger area.
- E. Pursuant to ORS 195.205, the CITY and DISTRICTS reserve the right and may, subsequent to the enactment of this AGREEMENT, develop an annexation plan or plans in reliance upon this AGREEMENT in accordance with ORS 195.205 to 220.
  - F. In keeping with the *County 2000 Strategic Plan* or its successor, the COUNTY will focus its energies on those services that provide county-wide benefit and transition out of providing municipal services that may benefit specific geographic areas or districts. The COUNTY recognizes cities and special service districts as the ultimate municipal service providers as specified in this AGREEMENT. The COUNTY also recognizes cities as the ultimate local governance provider to the urban area.
  - G. Within twelve months of the effective date of this AGREEMENT and prior to any consolidation or transfer of duties or any single or multiple annexations totaling twenty acres, the parties shall identify any duties performed by the parties that will or may be assumed or transferred from one party to another party by annexation, consolidation or agreement. The affected parties shall identify how the duties will be transferred or assumed, including the transfer of employees and equipment. The process to transfer duties, employees and equipment shall account for the cumulative effects of annexation, consolidation and transfer by agreement. This process shall also address large scale annexations and the large scale transfer of duties by consolidation or agreement. In the event the affected parties cannot agree upon the processes to transfer duties, employees and equipment, the provisions of Section VII of this AGREEMENT shall be used to resolve the dispute.
  - H. The COUNTY shall have the responsibility for convening representatives for the purpose of amending this AGREEMENT, pursuant to ORS 195.065(2)(a).

## **II. AGREEMENT COORDINATION**

- A. Existing intergovernmental agreements that are consistent with this AGREEMENT shall remain in force. This AGREEMENT shall control provisions of existing intergovernmental agreements that are inconsistent with the terms of this AGREEMENT. This AGREEMENT does not preclude any party from amending an existing inter-governmental agreement or entering into a new inter-governmental agreement with one or more parties for a service addressed in this AGREEMENT, provided such an agreement is consistent with the provisions of this AGREEMENT.
- B. The CITY and COUNTY have entered into an intergovernmental agreement for the CITY provision of building, land development and specific road services on behalf of the COUNTY to the unincorporated lands in the Bull Mountain area.
- C. CITY and COUNTY shall endeavor to take all action necessary to cause their comprehensive plans to be amended to be consistent with this AGREEMENT within twelve months of execution of this AGREEMENT, but no later than sixteen months from the date of execution.

### **III. AREA AFFECTED BY AGREEMENT**

This AGREEMENT applies to the Tigard Urban Service Area (TUSA) as shown on Map A and properties added to the Regional Urban Growth Boundary (UGB) that are to be annexed to the CITY in the future as described below in Section VIII.

### **IV. URBAN SERVICE PROVIDERS**

- A. The service provisions of this AGREEMENT, as described in Exhibits A through G, establish the providers and elements of urban services for the geographic area covered in this AGREEMENT; and
- B. The following urban services are addressed in this AGREEMENT:
  - 1. Fire Protection and Emergency Services (Exhibit A);
  - 2. Public Transit (Exhibit B);
  - 3. Law Enforcement (Exhibit C);
  - 4. Parks, Recreation, and Open Space (Exhibit D);
  - 5. Roads and Streets (Exhibit E);
  - 6. Sanitary Sewer and Storm Water (Exhibit F); and
  - 7. Water Service (Exhibit G).

### **V. ASSIGNABILITY**

No assignment of any party's rights or obligations under this AGREEMENT to a different, new or consolidated or merged entity shall be effective without the prior consent of the other parties affected thereby. Any party to this AGREEMENT who proposes a formation, merger, consolidation, dissolution, or other major boundary change shall notify all other parties of the availability of the reports or studies required by Oregon State Statutes to be prepared as part of the proposal.

### **VI. EFFECTIVE DATE OF AGREEMENT**

This AGREEMENT shall become effective upon full execution by all parties.

### **VII. TERM OF THE AGREEMENT**

This AGREEMENT shall continue to be in effect as long as required under state law. The COUNTY shall be responsible for convening the parties to this AGREEMENT for the review or modification of this AGREEMENT, pursuant to Section VIII.

## **VIII. PROCESS FOR REVIEW AND MODIFICATION OF THE AGREEMENT**

- A. Parties shall periodically review the provisions of this AGREEMENT in order to evaluate the effectiveness of the processes set forth herein and to propose any necessary or beneficial amendments to address considerations of ORS 195.070 and ORS 195.075.
- B. Any party may propose modifications to this agreement to address concerns or changes in circumstances.
- C. The body of this AGREEMENT (Recitals and Sections I through IX) may only be changed by written consent of all affected parties. Amendments to the exhibits of this AGREEMENT may be made upon written consent of the parties identified in each exhibit.
- D. The periodic review of this AGREEMENT and all proposed modifications to this AGREEMENT shall be coordinated by the COUNTY. All requests for the periodic review of this AGREEMENT and all proposed modifications shall be considered in a timely manner and all parties shall receive notice of any proposed amendment. Only those parties affected by an amendment shall sign the amended agreement. All amendments that include boundary changes shall comply with Chapter 3.09 of the METRO Code or its successor.
- E. Lands added to the Regional Urban Growth Boundary that are determined to be annexed to the CITY in the future by separate process, such as an Urban Reserve Plan, shall be subject to this AGREEMENT. The appropriate service providers to new urban lands for the services addressed in this AGREEMENT shall be determined through the provisions of this Section unless those determinations are made through the development of an Urban Reserve Plan and all affected parties agree to the service determinations. This AGREEMENT shall be amended to address new urban lands and reflect the service provider determinations consistent with the provisions of this Section.

## **IX. DISPUTE RESOLUTION**

If a dispute arises between or among the parties regarding breach of this AGREEMENT or interpretation of any term thereof, those parties shall first attempt to resolve the dispute by negotiation prior to any other contested case process. If negotiation fails to resolve the dispute, the parties agree to submit the matter to non-binding mediation. Only after these steps have been exhausted will the matter be submitted to arbitration.

Step 1 – Negotiation. The managers or other persons designated by each of the disputing parties will negotiate on behalf of the entities they represent. The issues of the dispute shall be reduced to writing and each manager shall then meet and attempt to resolve the issue. If the dispute is resolved with this step, there shall be a written determination of such resolution signed by each manager, which shall be binding upon the parties.

Step 2 – Mediation. If the dispute cannot be resolved within 30 days of initiation of Step 1, a party shall request in writing that the matter be submitted to non-binding mediation. The parties shall use good-faith efforts to agree on a mediator. If they cannot agree, the parties shall request a list of five mediators from an entity or firm providing mediation services. The parties will attempt to mutually agree on a mediator from the list provided, but if they cannot agree, each party shall select one name and the two mediators shall jointly select a third mediator. The dispute shall be heard by the third mediator and any common costs of mediation shall be borne equally by the parties, who shall each bear their own costs and fees therefore. If the issue is resolved at this Step, then a written determination of such resolution shall be signed by each manager and shall be binding upon the parties.

Step 3 – Arbitration. After exhaustion of Steps 1 and 2 above, the matter shall be settled by binding arbitration in Washington County, Oregon, in accordance with the Commercial Arbitration Rules of the American Arbitration Association, the rules of the Arbitration Service of Portland, or any other rules mutually agreed to, pursuant to ORS 190.710-790. The arbitration shall be before a single arbitrator; nothing shall prevent the parties from mutually selecting an arbitrator or panel thereof who is not part of the AAA panel and agreeing upon arbitration rules and procedures. The cost of arbitration shall be shared equally. The arbitration shall be held within 60 days of selection of the arbitrator unless otherwise agreed to by the parties. The decision shall be issued within 60 days of arbitration.

#### **X. SEVERABILITY CLAUSE**

If any portion of this AGREEMENT is declared invalid, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this AGREEMENT.

#### **XI. SIGNATURES OF PARTIES TO AGREEMENT**

In witness whereof, this AGREEMENT is executed by the authorized representatives of the COUNTY, CITY, DISTRICTS, and METRO. The parties, by their representative's signatures to this AGREEMENT, signify that each has read the AGREEMENT, understands its terms, and agrees to be bound thereby.

CITY OF TIGARD

By: \_\_\_\_\_  
James E. Griffith, Mayor

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
City Attorney



TUALATIN VALLEY FIRE AND RESCUE DISTRICT

By: \_\_\_\_\_  
Chairman, Board of Directors

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
District Counsel

TUALATIN HILLS PARK AND RECREATION DISTRICT

By: \_\_\_\_\_  
President, Board of Directors

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
District Counsel

TRI-MET

By: \_\_\_\_\_  
General Manager

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
District Counsel

CLEAN WATER SERVICES

By: \_\_\_\_\_  
Tom Brian, Chair  
Board of Directors

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
District Counsel

TIGARD WATER DISTRICT

By: \_\_\_\_\_  
Chairman, Board of Directors

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
District Counsel

TUALATIN VALLEY WATER DISTRICT

By: \_\_\_\_\_  
Chairman, Board of Directors

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
District Counsel

WASHINGTON COUNTY

By: \_\_\_\_\_  
Tom Brian, Chair  
Board of Commissioners

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
County Counsel

METRO

By: \_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
Legal Counsel



## **EXHIBIT A**

### **PROVISIONS OF AGREEMENT FOR FIRE PROTECTION AND PUBLIC EMERGENCY SERVICES**

TUALATIN VALLEY FIRE AND RESCUE DISTRICT, CITY and COUNTY agree:

1. That the TUALATIN VALLEY FIRE AND RESCUE DISTRICT (TVFR) is and shall continue to be the sole provider of fire protection services to the Tigard Urban Service Area (TUSA) shown on Map A.
2. That TVFR, CITY and COUNTY are and shall continue to provide emergency management response services to the TUSA.
3. That TVFR is and shall continue to be the sole provider of all other public emergency services to the TUSA, excluding law enforcement services.

## **EXHIBIT B**

### **PROVISIONS OF AGREEMENT FOR PUBLIC TRANSIT SERVICE**

TRI-MET, CITY, COUNTY and METRO agree:

1. That TRI-MET, pursuant to ORS Chapter 267, is currently the sole provider of public mass transit to the Tigard Urban Service Area (TUSA) shown on Map A. Future options for public mass transit services to the TUSA may include public/private partnerships to provide rail or other transit service, CITY operated transit service, and transit service by one or more public agency to all or part of the area.
2. That TRI-MET shall work with the COUNTY, CITY, and METRO to provide efficient and effective public mass transit services to the TUSA.

## **EXHIBIT C**

### **PROVISIONS OF AGREEMENT FOR LAW ENFORCEMENT**

COUNTY and CITY agree:

1. That as annexations occur within the Tigard Urban Service Area shown on Map A, the CITY will assume law enforcement services and the area will be withdrawn from the Enhanced Sheriff's Patrol District. The Sheriff's Office will continue to provide law enforcement services identified through the Cogan Law Enforcement Project and those services mandated by state law. Eventually, the Enhanced Sheriff's Patrol District, consistent with its conditions of formation, will be eliminated when annexations on a county-wide basis reach a point where the function of the District is no longer economically feasible.
2. That over time as annexations occur within the urban unincorporated area, the primary focus of the Sheriff's office will be to provide programs that are county-wide in nature or serve the rural areas of the COUNTY. The Sheriff's office will continue to maintain needed service levels and programs to ensure the proper functioning of the justice system in the COUNTY. The Sheriff's Office will also continue to provide available aid to smaller cities (e.g., Banks and North Plains) for services specified in the COUNTY'S mutual aid agreement with those cities upon their request. The Sheriff's Office will also consider requests to provide law enforcement services to cities on a contractual basis consistent with the COUNTY's law enforcement contracting policy.
3. That the COUNTY and CITY and other Washington County cities, through the Cogan Law Enforcement Project, shall determine the ultimate functions of the Sheriff's Office that are not mandated by state law.
4. That the COUNTY and CITY shall utilize comparable measures of staffing that accurately depict the level of service being provided to residents of all local jurisdictions in the COUNTY.

## **EXHIBIT D**

### **PROVISIONS OF AGREEMENT FOR PARKS, RECREATION AND OPEN SPACE**

CITY, TUALATIN HILLS PARK AND RECREATION DISTRICT (THPRD), COUNTY, and METRO agree:

1. That the CITY shall be the designated provider of park, recreation and open spaces services to the Tigard Urban Service Area (TUSA) shown on Map A. Actual provision of these services by the CITY to lands within the TUSA is dependent upon lands being annexed to the CITY. Within the Metzger Park Local Improvement District (LID), the CITY will be a joint provider of services. The CITY and THPRD, however, may also enter into inter-governmental agreements for the provision of park, recreation and open space services to residents within each other's boundaries, such as the joint use of facilities or programs. This provision does not preclude future amendments to this AGREEMENT concerning how park, recreation and open space services may be provided within the TUSA.
2. That the CITY and the COUNTY should further examine the feasibility of creating a park and recreation district for the TUSA.
3. That standards for park, recreation, and open space services within the TUSA will be as described in the CITY'S park master plan.
4. That the CITY and COUNTY are supportive of the concept of a parks systems development charge as a method for the future acquisition and development of parks lands in the TUSA that are outside of the CITY. The CITY and COUNTY agree to study the feasibility of adopting such a systems development charge for lands outside of the CITY.
5. That at the next update of its parks master plan, the CITY shall address all the lands within the TUSA.
6. That the Metzger Park LID shall remain as a special purpose park provider for as long as a majority of property owners within the LID wish to continue to pay annual levies for the operation and maintenance of Metzger Park. The CITY and COUNTY also agree to the continuation of the Metzger Park Advisory Board. However, the COUNTY as administrator of the LID, may consider contracting operation and maintenance services to another provider if that option proves to be more efficient and cost-effective. This option would be presented and discussed with the Park Advisory Board before the COUNTY makes a decision.
7. That continuation of the Metzger Park LID shall not impede provision of parks, and eventually recreation services, to the Metzger Park neighborhood by the CITY. Continuation of the Metzger Park LID will be considered as providing an additional level of service to the neighborhood above and beyond that provided by the CITY.

8. That the CITY and COUNTY will coordinate with Metro to investigate funding sources for acquisition and management of parks which serve a regional function.
9. That Metro may own and be the provider of region-wide parks, recreation and open space facilities within the TUSA. Metro Greenspace and Parks facilities typically are to serve a broader population base than services provided to residents of the TUSA by the CITY. Where applicable, the CITY, COUNTY, and METRO will aspire to coordinate facility development, management and services.

## **EXHIBIT E**

### **PROVISIONS OF AGREEMENT FOR ROADS AND STREETS**

CITY and COUNTY agree:

#### **1. Existing Conditions and Agreements**

- A. The COUNTY shall continue to retain jurisdiction over the network of arterials and collectors within the Tigard Urban Service Area (TUSA) that are specified on the COUNTY-wide roadway system in the Washington County Transportation Plan. The CITY shall accept responsibility for public streets, local streets, neighborhood routes and collectors and other streets and roads that are not part of the COUNTY-wide road system within its boundaries upon annexation if the street or road meets the agreed upon standards described in Section 2.C.(2) below.
- B. The COUNTY and CITY agree to continue sharing equipment and services with renewed emphasis on tracking of traded services and sharing of equipment without resorting to a billing system, and improved scheduling of services. Additionally, the COUNTY and CITY shall work to improve coordination between the jurisdictions so that the sharing of equipment and services is not dependent on specific individuals within each jurisdiction. The COUNTY and CITY shall also work to establish a more uniform accounting system to track the sharing and provision of services.
- C. Upon annexation to the CITY, the annexed area shall be automatically withdrawn from the Urban Road Maintenance District (URMD).
- D. Upon annexation to the CITY, an annexed area that is part of the Washington County Service District For Street Lighting No. 1 shall be automatically withdrawn from the District. The CITY shall assume responsibility for street lighting on the effective date of annexation of public streets and COUNTY streets and roads that will be transferred to the CITY. The COUNTY shall inform PGE when there is a change in road jurisdiction or when annexation occurs and the annexed area is no longer a part of the street lighting district.

#### **2. Road Transfers**

Transfer of jurisdiction may be initiated by a request from the CITY or the COUNTY.

- A. Road transfers shall include the entire right-of-way (e.g., a boundary cannot be set down the middle of a road) and proceed in a logical manner that prevents the creation of segments of COUNTY roads within the CITY'S boundaries.

B. Within thirty days of annexation, the CITY will initiate the process to transfer jurisdiction of COUNTY and public streets and roads within the annexed area, including local streets, neighborhood routes, collectors and other roads that are not of county-wide significance. The transfer of roads should take no more than one year from the effective date of annexation.

C. The COUNTY:

(1) To facilitate the road transfer process, the COUNTY will prepare the exhibits that document the location and condition of streets to be transferred upon receipt of a transfer request from the CITY.

(2) Prior to final transfer, the COUNTY:

(a) Shall complete any maintenance or improvement projects that have been planned for the current fiscal year or transfer funds for same to the CITY.

(b) Shall provide the CITY with any information it may have about any neighborhood or other concerns about streets or other traffic issues within the annexed area. This may be done by providing copies of COUNTY project files or other documents or through joint meetings of CITY and COUNTY staff members.

(c) Shall make needed roadway improvements so that all individual roads or streets within the area to be annexed have a pavement condition index (PCI) of more than 40 and so that the average PCI of streets and roads in the annexed area is 75 or higher. As an alternative to COUNTY-made improvements, the COUNTY may pay the CITY'S costs to make the necessary improvements.

(d) Shall inform the CITY of existing maintenance agreements, Local Improvement Districts established for road maintenance purposes, and of plans for maintenance of transferred roads. The COUNTY shall withdraw the affected territory from any road maintenance LIDs formed by the COUNTY.

D. The CITY:

(1) Agrees to accept all COUNTY roads and streets as defined by ORS 368.001(1) and all public roads within the annexed area that are not of county-wide significance or are not identified in the COUNTY'S Transportation Plan as part of the county-wide road system provided the average PCI of all COUNTY and public roads and streets that the CITY is to accept in the annexed area is 75 or higher as defined by the COUNTY'S pavement management system. If any individual COUNTY or public street or road that the CITY is to accept within the area has an average PCI of 40 or less at the time of annexation, the CITY shall assume jurisdiction of the road or street only after the COUNTY has complied with Section 2.C.(2) of this exhibit.

(2) Shall, in the event the transfer of roads does not occur soon after annexation, inform the newly annexed residents of this fact and describe when and under what

conditions the transfer will occur and how maintenance will be provided until the transfer is complete.

- E. The CITY shall be responsible for the operation, maintenance and construction of roads and streets transferred to the CITY as well as public streets annexed into the CITY. CITY road standards shall be applicable to transferred and annexed streets. The CITY shall also be responsible for the issuance of access permits and other permits to work within the right-of-way of those streets.

### 3. Road Design Standards and Review Procedures and Storm Drainage

The CITY and COUNTY shall agree on:

- A. The CITY and COUNTY urban road standards and Clean Water Service standards that will be applicable to the construction of new streets and roads and for improvements to existing streets and roads that eventually are to be transferred to the CITY, and streets and roads to be transferred from the CITY to the COUNTY;
- B. The development review process and development review standards for COUNTY and public streets and roads within the TUSA, including COUNTY streets and roads and public streets that will become CITY streets, and streets and roads that are or will become part of the COUNTY-wide road system; and
- C. Maintenance responsibility for the storm drainage on COUNTY streets and roads within the TUSA in cooperation with Clean Water Services.

### 4. Review of Development Applications and Plan Amendments

- A. The COUNTY and CITY, in conjunction with other Washington County cities and the Oregon Department of Transportation (ODOT), shall agree on a process(es) and review criteria (e.g., types and levels of analysis) to analyze and condition development applications and plan amendments for impacts to COUNTY and state roads.
- B. The review process(es), review criteria, and criteria to condition development and plan amendment applications shall be consistent with the *Oregon Highway Plan*, the *Regional Transportation System Plan*, COUNTY and CITY Transportation Plans and Title 6 of METRO'S *Urban Growth Management Functional Plan*.

### 5. Maintenance Cooperation

- A. The COUNTY and CITY, in conjunction with ODOT, shall consider developing an Urban Road Maintenance Agreement within the TUSA area for the maintenance of COUNTY, CITY, and state facilities, such as separately owned sections of arterial streets and to supplement the 1984 League of Oregon Cities Policy regarding traffic lights.



- A. The COUNTY and CITY, in conjunction with other Washington County cities, shall develop a set of minimum right-of-way maintenance standards and levels of activity to be used in performance of services provided under the exchange of services agreement described above in 5. a.
- C. The COUNTY may contract with the CITY for the maintenance of COUNTY streets and roads within the TUSA utilizing an agreed upon billing system.
- D. The COUNTY, CITY and ODOT, in conjunction with other Washington County cities, will study opportunities for co-locating maintenance facilities.

6. Implementation

Within one year of the effective date of this AGREEMENT, the CITY and COUNTY agree to develop a schedule that describes when the provisions of this exhibit shall be implemented.

## **EXHIBIT F**

### **PROVISIONS OF AGREEMENT FOR SANITARY SEWER AND STORM WATER MANAGEMENT**

CLEAN WATER SERVICES, (CWS), CITY and COUNTY agree:

1. As a county service district organized under ORS 451, CWS has the legal authority for the sanitary sewage and storm water (surface water) management within the CITY and the urban unincorporated area. CWS develops standards and work programs, is the permit holder, and operates the sanitary sewage treatment plants.
2. The CITY performs a portion of the local sanitary sewer and storm water management programs as defined in the operating agreement between the CITY and CWS. This agreement shall be modified on an as-needed basis by entities to the agreement.
3. At the time of this AGREEMENT, the following are specific issues that the parties have addressed as part of this process and agree to resolve through changes to current intergovernmental agreements.
  - A. Rehabilitation of Sewer Lines with Basins Identified with High Levels of Infiltration and Inflow (I & I).
  - B. For lines that are cost-effective to do rehabilitation, CWS and the CITY will consider cost-sharing regardless of line size under a formula and using fund sources to be agreed on between CITY and CWS. The cost-share is to be determined through specific project intergovernmental agreements. Following the evaluation of program funding methods, CWS, in cooperation with the CITY, will determine the long-term funding for I & I and other rehabilitation projects.
  - C. CWS, with assistance from the CITY and other Washington County cities, shall undertake periodic rate studies of monthly service charges to determine whether they are adequate to cover costs, including costs of maintenance and rehabilitation of sewer lines. The rate study shall consider sewer line deterioration and related maintenance and repair issues.
4. Master and Watershed Planning:
  - A. Primary responsibility for master and watershed planning will remain with CWS, but the CITY will be permitted to conduct such planning as long as these plans meet CWS standards. CWS and the CITY shall use uniform standards, such as computer modeling, to conduct these studies. CWS and the CITY shall determine their respective cost-sharing responsibility for conducting these studies.

- B. CWS and the CITY, in conjunction with other Washington County cities using the City/District Committee established by CWS, shall develop uniform procedures for the coordination and participation between CWS, the CITY and other cities when doing master and watershed planning.

5. Sanitary Sewer Systems Development Charges

CWS and the CITY, in conjunction with other Washington County cities, shall use the results of the CWS Conveyance System Management Study, or updates, for options for collection and expenditure of SDC funds to address current disparities between where funds are collected and where needs are for projects based on an agreed upon CITY/CWS master plan.

6. Storm Water Management System Development Charges

- A. CWS and the CITY shall use the results of the CWS Surface Water Management Plan Update Project to address all aspects of storm water management and to provide more direction to CWS and the CITY.
- B. Watershed plans being prepared by CWS for storm water management shall address the major collection system as well as the open-channel system to identify projects for funding.

7. Maintenance

CWS, in cooperation with the CITY and other Washington County cities, shall use the results of the CWS Conveyance System Management Study for guidance to resolve issues related to roles of the DISTRICT and the cities in order to provide more cost effective maintenance of the collection systems.

## **EXHIBIT G**

### **PROVISIONS OF AGREEMENT FOR WATER SERVICE**

TUALATIN VALLEY WATER DISTRICT (TVWD), TIGARD WATER DISTRICT (TWD), CITY and COUNTY agree:

1. Supply:
  - A. Supply generally will not impact service boundaries, given that a limited number of sources provide all the water in the study area and the number of interconnections between providers are increasing and are encouraged to continue in the future.
  - B. Future supply and conservation issues may be addressed through the Regional Water Consortium to the extent reasonable and practicable for water providers in Washington County. Service providers in the TUSA shall continue to participate in the Consortium and use it as the forum for raising, discussing and addressing supply issues.
  - C. The Consortium may also serve as a forum to discuss and resolve water political issues to the extent reasonable and practicable for water providers in Washington County. The Consortium is an appropriate forum to bring elected officials together and for promoting more efficient working relationships on water supply and conservation issues.
  - D. Intergovernmental agreements shall address ownership of interconnections between CITY and Districts' sources, whether for the purpose of wholesale provision of water from one entity to the other or for emergency use, in the case of a boundary change that involves the site of the interconnection.
2. Maintenance/Distribution:
  - A. TVWD, TWD and the CITY do not anticipate any events in the foreseeable future that would necessitate maintenance, rehabilitation or replacement beyond the financial reach of any of the water providers in the TUSA. Each provider will continue to be responsible for providing the financial revenue stream through rates and charges and to accrue adequate reserves to meet foreseeable major maintenance needs.
  - B. TVWD, TWD, CITY, and COUNTY agree to maintain and participate in the Cooperative Public Agencies of Washington County in order to efficiently share and exchange equipment and services.
  - C. To the extent reasonable and practicable, TVWD, TWD and the CITY shall coordinate mandated (under Oregon law) underground utility locating services to efficiently provide service within the urban service areas.
  - D. TVWD, TWD and CITY agree to provide to one another copies of as-builts of existing and new facilities and other types of water system maps for the purposes of facilitating

planning, engineering and design of other utilities or structures that may connect, intersect or be built in proximity to CITY facilities. The CITY agrees to incorporate such mapping into its GIS mapping system of utilities and other facilities. TVWD, TWD and CITY agree to develop and maintain a common, on-going, up to date GIS mapping system showing facilities of each water provider within the TUSA.

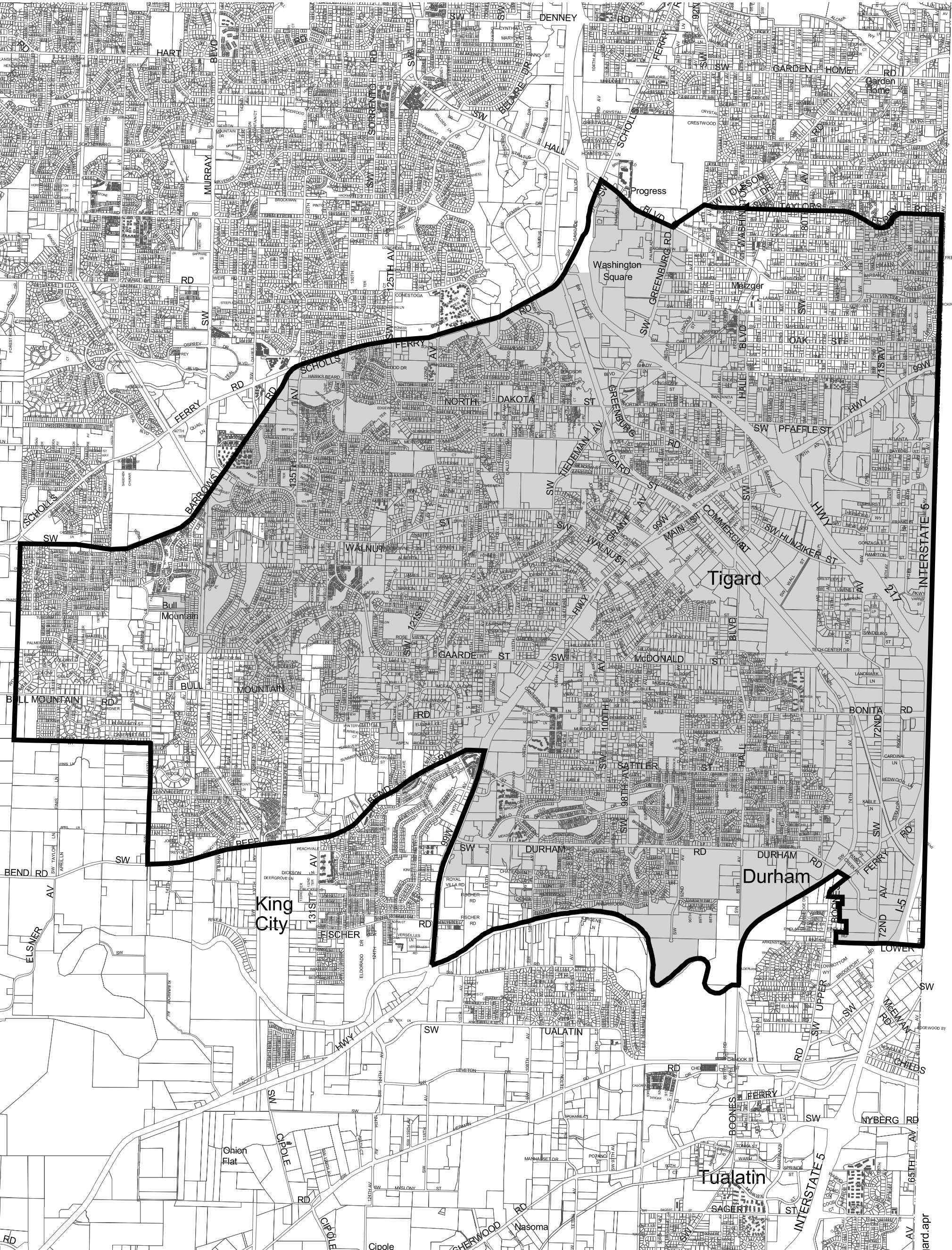
3. Customer Service/Water Rates:

- A. Price of supply and bonded indebtedness will most likely have the greatest impact on rates.
- B. TVWD, TWD, and the CITY believe that rates are equitable within the TUSA.
- C. Given adequate water pressure, level and quality of service should not vary significantly among different water providers in the TUSA and does not appear to be an issue for most customers.

4. Withdrawal/Annexation/Merger:



- A. Notwithstanding Section I of this AGREEMENT - Roles and Responsibilities, or existing agreements between the providers, future annexations may lead to changes in service provision arrangements. Modifications to any service area boundary shall comply with METRO Code Chapter 3.09 and provisions identified under Section IV. If necessary, the Metro Boundary Appeals process shall be employed to resolve conflicts between parties as they arise. TVWD, TWD, and the CITY shall continue to work together to adjust boundaries as appropriate to improve the cost-effectiveness and efficiency of providing service.
- B. In the event that the entire service area of any DISTRICT is annexed in the future, that district shall be dissolved. No attempt shall be made to maintain the district by delaying annexation of a token portion of the district (e.g., the district office).
- C. The area of TVWD known as the Metzger service area shall remain in TVWD, except those portions agreed to by both TVWD and CITY that may be withdrawn from TVWD upon annexation to the CITY. In exchange, TVWD will support the CITY joining as a partner of the Joint Water Commission.
- D. Providers that propose a merger, major annexation or dissolution shall give all providers in the study area an opportunity to influence the decision as well as plan for the consequences. None of the parties waives its right to contest a major or minor boundary change by any of the other parties on the issue of the appropriate service provider for the area encompassed by the boundary change except when the party has expressly waived that right as to a described service area in an agreement executed subsequent to this agreement.





# MAP A Tigard Urban Service Area Boundary

November 2002

-  Tigard Urban Service Area Boundary
-  City of Tigard



2000 0 2000 4000 Feet



(Please print this map on 11" x 17" paper for maximum readability)



Evaluation criteria (100 pts)	North	West	South	East	N&W	S&E	N&S	S&W	All
<b>Tigard Service Provision Impact (30 pts)</b>									
Adjacent to City limits	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<p>If area is annexed alone, can it be fully served without significantly decreasing current City service levels immediately upon annexation? *Water, Sanitary sewer and storm sewer are not evaluated since they already serve this area. Road maintenance is not included because major projects have to be programmed into the CIP and will not be needed immediately upon annexation. Parks maintenance is not included because there are no developed parks properties to maintain.</p> <p style="text-align: center; font-size: 2em;">Draft</p>									
▪ Police	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
▪ Street maintenance (PW)	Yes	Yes	Yes	Yes	No	No	No	No	No
▪ Street light maint. (% of gas tax revenues that cover gas tax needs)	99%	18%	69%	60%	45%	67%	80%	40%	54%
Would service provision of this area require crossing an area that is unincorporated?	No	Yes	Part.	No	Part.	No	Part.	Part.	No
<b>Relationship to UGB expansion area (20 pts)</b>									
Provides link to UGB area	Yes - 1	No	Yes - 1	No	Yes-2	Yes-1	Yes-2	Yes-2	Yes-2
<b>Financial impacts (45 pts)</b>									
Total Tax Revenues (for on-going services) vs. Total on-going costs - 2015	292,256	64,670	380,711	386,111	356,926	766,822	672,967	445,381	1,123,748
% of capital needs covered by revenues (includes all capital funds) – 2005 annexation	7.8%	10.6%	8.6%	9.9%	9.6%	9.4%	8.3%	9.7%	9.5%
Additional growth potential (difference between existing(baseline) dwelling units and projected build-out dwelling units	237	173	251	549	410	800	488	424	1210
<b>Additional factors</b>									
Publicly owned land with some park potential	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes
Total points	55	25	55	58	65	73	77	65	88

Draft

# **PUBLIC FACILITIES AND SERVICES ASSESSMENT REPORT FOR THE BULL MOUNTAIN AREA**



**CITY OF TIGARD**

*Community Development  
Shaping A Better Community*

**Community Development Department  
Long-Range Planning  
Draft – updated July 1, 2003**



## Table of Contents

	<u>Page</u>
I. Executive Summary	1
II. Introduction	5
A. Background	
B. Report scope and objectives	
III. Methodology	7
A. Area of Evaluation	
B. Range of Alternatives	
C. Overview of Evaluation Criteria	
1. Fiscal	
2. Service Provision Impacts	
3. Relationship to UGB	
D. Analytical Approach	
E. Assumptions	
F. Relationship to Bull Mountain Study	
IV. Analysis of Alternatives	11
A. Fiscal Analysis	
1. General Overview/Approach	
2. Analysis of on-going provision of services	
3. Analysis of capital needs	
B. Analysis of Service Provision Impacts	
C. UGB	
V. Summary of Conclusions	22
A. Timing and Sequence	
B. Policy Analysis	

### Appendices

- Appendix A. Study Area Profile
- Appendix B. On-Going Service Costs and Revenues
- Appendix C. Growth Based Fund Descriptions
- Appendix D. Tigard Service Provision Impacts summaries by Department
- Appendix E. Change in Service Levels between County and City
- Appendix F. Evaluation Criteria Tables
- Appendix G. Chronology of coordination in unincorporated areas

**City of Tigard**  
**Public Facilities and Services Assessment Report**  
**for the Bull Mountain Area**

Draft

**PRODUCED BY:**  
**THE CITY OF TIGARD COMMUNITY DEVELOPMENT DEPARTMENT IN**  
**COLLABORATION WITH THE FINANCE, ENGINEERING, POLICE AND PUBLIC**  
**WORKS DEPARTMENTS**  
DIRECTOR, JAMES N.P. HENDRYX

**JULY, 2003**

**CITY OF TIGARD**  
**13125 SW HALL BLVD.**  
**TIGARD, OR 97223**  
503/639-4171

## **Section I. – Executive Summary**

With the adoption of the City's Comprehensive Plan in the early 1980s, the Bull Mountain area has been identified as within Tigard's urban services area. Over the years, portions of Bull Mountain have annexed into the City. However, major portions (approximately 1,430 acres) remain outside the City limits. This area is developing rapidly at urban densities. Given the existing development trends, portions of the Bull Mountain area are likely to reach build out in the next few years.

Under the Oregon land use system, all cities and counties, through a cooperative process are required to establish Urban Growth Boundaries separating urbanizable land from rural land. Establishment and development within the Urban Growth Boundary (UGB) area is based on several factors, including orderly and economic provision of public facilities and services to support urban levels of development. However, the planning and development pattern in unincorporated Bull Mountain has not taken into account the capital needs, including the open space and recreational needs of its residents. Should the area fully build out before annexation, Tigard will not have all the financial/growth management tools that exist today to address the needs of the area.

### Ongoing services

On-going services such as police service, street maintenance and other services are not one-time investments. On-going service needs are those needed to maintain newly annexed areas at the same level of service as provided to the City of Tigard. Revenues for on-going services are based on population and other factors, not directly tied to new development. Several funds are not projected to cover the on-going service costs, however, the Gas Tax fund is the only one that can not be increased to ensure that costs are covered. Policy choices are proposed to help minimize the Gas Tax fund deficiencies. The projections indicate that, with all revenue funds combined, the Bull Mountain area can be provided City of Tigard services without a reduction in services.

### Capital needs

Capital needs include park acquisition, major road improvements, storm and sanitary sewer facilities. Revenue for capital needs comes from new development. The Bull Mountain Area has estimated capital improvement needs totaling approximately \$36 million. While this amount appears significant, it is roughly proportional to the rest of Tigard's capital needs.

Because revenue for capital needs comes from new developments, annexation should occur as soon as possible in order for the City to maximize the available funds to meet the projected needs. By delaying annexation until 2010, 25.6% of the capital funds will not be available to Tigard. Approximately, 45.6% will not be available if annexation is delayed until 2015.

### Service provision

All service providers except Public Works –Streets Division and Police, could temporarily absorb portions, or the entire area, using existing crews, until additional staff and equipment is purchased. The Police Department could absorb any portion or the entire area with a reduction only in response time to priority 3 (lowest priority, no one in danger)

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calls. The Streets Division could not absorb more than one sub-area without additional staff being hired up front.

## Relation to the UGB expansion areas

The Urban Growth Boundary (UGB) has recently been expanded. Two areas are adjacent to Bull Mountain. Both are suitable for urban development and eventual inclusion within Tigard's urban services area. Tigard's involvement in the development of these areas is critical to assure that urban levels of public facilities and services are available for future residents. Integration with Bull Mountain will also be necessary so that they can be planned to complement and enhance the Bull Mountain community and each other. Consideration must be given to providing logical connections to the UGB expansion areas and the rest of the City, ensuring that adequate service delivery can be provided.

## Conclusion

Unincorporated Bull Mountain currently receives its public facilities and services from Washington County and special service districts. The County is responsible for law enforcement, road maintenance, and sanitary and storm sewer services. Law enforcement and road maintenance services are provided at enhanced urban levels as compared to rural areas of Washington County. The County has differing service and facilities standards than Tigard. The City has limited ability to manage growth outside its City limits to ensure that efficient and effective public facilities and services are provided.

The timing of annexation is a major factor in addressing this issue. Development occurring outside Tigard's City limits, while subject to specific regulations, does not account for the City's ability to ultimately provide urban levels of public facilities and services. The Bull Mountain Assessment Report indicates:

- As with the rest of the City, the Gas Tax Fund deficit issue must be addressed for Bull Mountain. However, there are policy choices that can minimize impacts.
- As with the rest of the City, Bull Mountain has capital improvement needs. Delaying annexation impacts the City's ability to address those needs.
- Annexation of the entire Bull Mountain area at one time impacts service delivery due to increased staffing and equipment needs. However, options are available to eliminate or reduce impacts.
- The two UGB expansions adjacent to Bull Mountain offer Tigard the ability to plan for the delivery of urban levels of service and capital facilities before these areas develop.
- An annexation strategy is needed for Bull Mountain to address the long term delivery of services and capital facilities.

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## Recommendations

City Council needs to consider how and when it will be the optimal time to provide City services to Bull Mountain and eventually the two UGB expansion areas adjacent to Bull Mountain. Delay in addressing this issue reduces the City's ability to adequately provide for those needs. There is a series of policy choices Council can take. Council can decide to maintain the status quo or actively pursue annexation of portions or the entire area. Listed below are five potential policy choices, followed by sub-tasks to implement each policy choice.

1. Support property owner annexations and require annexation prior to development. (status quo)
  - Formalize existing policy that all undeveloped property should be annexed prior to developing. This will require amendments to the Urban Planning Area Agreement between Tigard and Washington County.
  - Utilize the double majority annexation method wherever possible. This method of annexation allows inclusion of additional properties beyond those requesting annexation.
2. Actively seek support of annexations in targeted areas
  - Formalize existing policy that all undeveloped property should be annexed prior to developing. This will require amendments to the Urban Planning Area Agreement between Tigard and Washington County.
  - Utilize the double majority annexation method wherever possible.
  - Focus on areas that have the greatest opportunities for Tigard to address the public service needs.
3. Actively seek annexations via island, cherry stem, and other annexation methods.
  - Formalize existing policy that all undeveloped property should be annexed prior to developing. This will require amendments to the Urban Planning Area Agreement between Tigard and Washington County.
  - Utilize the double majority annexation method wherever possible.
  - Focus on areas that have the greatest opportunities for Tigard to address the public service needs.
4. Initiate annexation and take to vote of Bull Mountain area only.
  - Formalize existing policy that all undeveloped property should be annexed prior to developing. This will require amendments to the Urban Planning Area Agreement between Tigard and Washington County.
  - Consider annexation of the entire area or focus on areas that have the greatest opportunities for Tigard to address the public service needs.
  - Extensive public involvement is necessary to proceed with either the Bull Mountain or Annexation plan vote.
    - Direct development of public involvement plan.
    - Actively involve Washington County in the development and implementation of any public involvement plan.

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5. Annexation plan – vote of Tigard and the affected Bull Mountain area.
  - Formalize existing policy that all undeveloped property should be annexed prior to developing. This will require amendments to the Urban Planning Area Agreement between Tigard and Washington County.
  - Consider the entire area or focus on areas that have the greatest opportunities for Tigard to address the public service needs.
  - Extensive public involvement is necessary to proceed with either the Bull Mountain or Annexation plan vote.
    - Direct development of public involvement plan.
    - Actively involve Washington County in the development and implementation of any public involvement plan.

If Council chooses to seek an annexation of the entire Bull Mountain area, there will be short term impacts on service delivery. To address this issue, the following policy choices could be considered:

- Delay the effective date of annexation until staffing and equipment can be obtained.
  - Delaying the effective date of annexation by up to a year would allow hiring and training of police staff and purchase of new equipment.
  - This would require authorizing funding in advance of the annexation becoming effective.
- Negotiate agreements with the County to provide short-term assistance until Tigard service providers are fully staffed.
- Accept short-term, citywide reduction in service levels until staff and equipment are up to standard levels.

## **Section II. - Introduction**

## **Draft**

### **A. Background**

With the adoption of the City's Comprehensive Plan in the early 1980s, the Bull Mountain area has been identified as within the Urban Growth Boundary of Tigard. Over the years, portions of Bull Mountain have annexed into the City. However, major portions (approximately 1,430 acres) remain outside the City limits. This area is developing rapidly at urban densities. Specific areas are nearing build out while other areas can accommodate considerable growth. The planning and development pattern in Bull Mountain has not taken into account the capital needs, including the open space and recreational needs of its residents. Given the existing development trends, portions of the Bull Mountain area are likely to reach build out in the next few years which would further exacerbate the open space/recreational deficiency. A detailed chronology of coordination efforts is provided in Appendix A.

Unincorporated Bull Mountain currently receives its public facilities and services from Washington County and special service districts. The County is responsible for law enforcement, road maintenance, and sanitary and storm sewer services. Tigard, through an intergovernmental agreement with the County, provides development related planning, building, and engineering services to the area. Law enforcement and road maintenance services are provided at enhanced urban levels as compared to rural areas of Washington County.

In December 2002, the Metro Council finalized the two-year process of reviewing the region's capacity for housing and jobs by expanding the urban growth boundary (UGB). As part of this decision, Tigard and Washington County will need to incorporate an additional 480 acres adjacent to the unincorporated Bull Mountain area as part of the overall urban services provision/annexation strategy. When combined with the projected Bull Mountain area population, this may ultimately result in approximately 15,000 new residents. Since the current Tigard population is approximately 44,000 (2002), the unincorporated portion of the Bull Mountain area will constitute approximately 21% of the overall number of residents (59,000) living in this portion of Tigard's Urban Growth Boundary area at its estimated build out.

In 2001, the Tigard Council established a goal to develop an annexation policy/strategy for non-island areas, such as Bull Mountain. In 2001, Tigard developed a Bull Mountain annexation study to assess the feasibility of annexing the Bull Mountain area. The key conclusions and policy issues identified in the *Bull Mountain Annexation Study* centered on the capital needs and lack of funds to meet all the needs in the Bull Mountain area. After the *Bull Mountain Annexation Study* was published, a public opinion survey was completed to assess Tigard citizen and Bull Mountain resident opinions on the potential of annexing the Bull Mountain area. In fall 2002, Council considered a resolution to initiate an annexation plan for the Bull Mountain area; however, the resolution did not pass.

While Council decided not to go further with an annexation strategy last year, its goals continue to involve the Bull Mountain area. Therefore, in order to develop a long-term

strategy for providing services to the Bull Mountain area, a Public Facilities and Services Assessment Report has been developed.

## **B. Report Scope and Objectives**

The analysis contained in this report addresses the relationship between the efficiency of service provision and annexation strategies and its impact on the efficient use of urbanizable land. The objectives of the report are:

- To provide a comprehensive analysis of public services and facilities needs for Bull Mountain, with the emphasis on the relationship between the timing of annexation and funding mechanisms for both on-going and one-time capital improvement projects.

One of the primary objectives of the Bull Mountain Public Facilities and Services Assessment Report is to evaluate the potential timing and sequence of annexation and its impacts upon the City's ability to provide efficient and effective public facilities and services. The City has limited ability to manage growth outside its City limits to ensure that efficient and effective public facilities and services are provided. The timing of annexation is a major factor in addressing this issue. Development occurring outside Tigard's City limits, while subject to specific regulations, does not account for the City's ability to ultimately provide urban levels of public facilities and services.

- To identify policy choices related to the provision of public services and needs upon annexation.

The Assessment Report provides the framework for further policy discussion on how and when the area is annexed and receives City services.



## **Section III - Methodology**

## **Draft**

### **A. Area of Evaluation**

The area evaluated for this assessment report, commonly referred to as Bull Mountain, is generally comprised of all the unincorporated area north of Beef Bend Road, east of the Urban Growth Boundary, south of Barrows Road and west of 99W. According to the 2000 census, there are 7,300 people in the study area. The area consists of a mix of larger undeveloped lots, large developed lots, and smaller lots built to the minimum densities (generally R-7). The study area was defined in the *2001 Bull Mountain Annexation Study* and consists of approximately 1,430 acres. While some annexations have occurred, they are not reflected in this study. However, the development of these areas was already approved at the time of the *2001 Bull Mountain Annexation Study* and was factored in to the growth projections.

### **B. Range of Alternatives**

Due to the size of the area, growth potential and nature of existing development, the study evaluated nine alternatives: four sub-areas, four combinations of sub-areas and the entire area as a whole. The entire area was divided into the same four sub-areas utilized in the *2001 Bull Mountain Annexation Study* (see Figure 1, next page). Because this report utilized the previous work conducted, the projected population and housing units for each sub-area over time is known and was used in the evaluation. The following is a brief summary of what is known about each sub-area (a more detailed description is located in Appendix B):

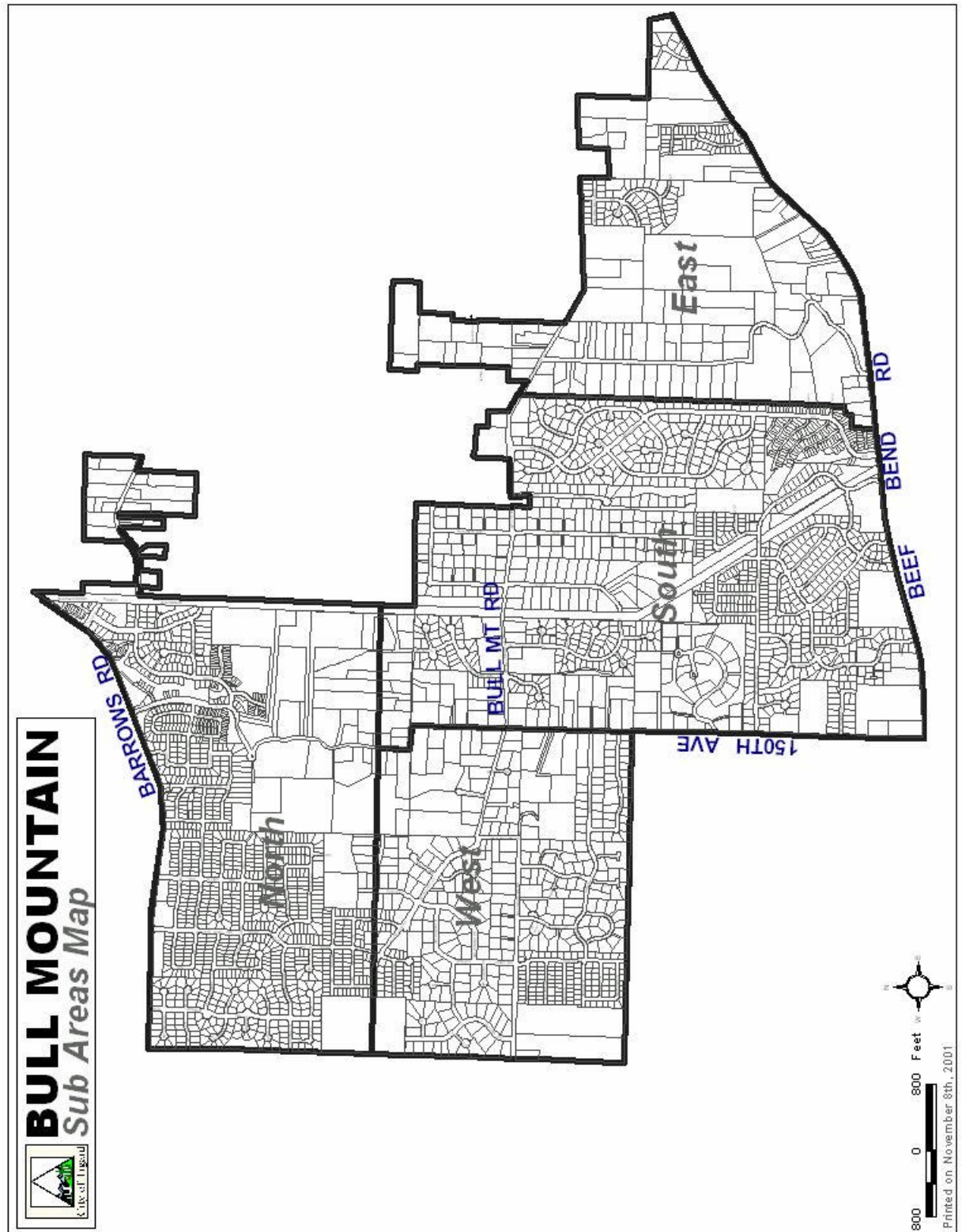
**North** - This area consists of approximately 383 acres and a population of 3,001. It is largely built out with only about 10% of the area identified as vacant or redevelopable. Based on the household growth rate of 2.2% identified by Metro, the *2001 Bull Mountain Annexation Study* estimated that this area will be built out in 4.5 years.

**West** - This area consists of approximately 259 acres with 944 people. The majority of the area has been developed with large lot subdivisions, which are not expected to be divided further. However, 15.3% of the land in this area is identified as vacant or redevelopable. Based on the 2.2% household growth rate identified by Metro, the *2001 Bull Mountain Annexation Study* estimated that this area will be built out in 6.9 years.

**South** - This area consists of approximately 507 acres of land and 3,196 people. Many of the subdivisions were developed with large lots that are not expected to be divided further; as a result, this area has about 10.6% vacant or redevelopable land. Based on the 2.2% household growth rate identified by Metro, the *2001 Bull Mountain Annexation Study* estimated that this area will be built out in 4.8 years.

**East** - This area consists of approximately 282 acres with 544 people. This area has most of the area's growth potential, with almost 40 percent of the land identified as vacant or redevelopable. Based on the 2.2% household growth rate identified by Metro, the *2001 Bull Mountain Annexation Study* estimated that this area will be built out in 18 years. However, recent land purchases in this area and initial discussions with developers indicate that this area could develop much sooner than projected.

Figure 1



\*\* Map based on 2001 City limits

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The information provided for each sub-area from the *2001 Bull Mountain Annexation Study* was utilized to make financial and service need projections to meet the objectives of this assessment report. In addition to the four sub-areas evaluated in the *2001 Bull Mountain Annexation Study*, this report also looked at combinations of 2 areas in order to evaluate impacts to the City to serve larger areas and also to identify if strategic combinations of areas created a more optimal provision of services than single areas alone. Because the possible combinations were countless, combinations were only considered if the areas were contiguous to one another. Four combinations of areas were contiguous:

- South and East
- South and West
- North and South
- North and West

The report also looked at the entire area as a whole to determine the issues that may arise if the area were to annex at the same time. The end result is 9 alternatives.

## **C. Overview of Evaluation Criteria**

To meet the objective of evaluating the efficient and effective provision of services to the Bull Mountain area over time, three criteria were developed:

### **1. Fiscal**

- a. On-going provision of services - how much does it cost to provide on-going services over the long term (2015) versus the revenue that will be collected; and
- b. One-time capital facility needs - how much revenue can be expected to meet the capital needs. This analysis looks at the factor time (and continued development without annexation) has on the City's ability to collect fees to address the anticipated capital needs. Capital need estimates were based on existing Public Facilities Plans and Master Plans.

### **2. Tigard Service Provision Impacts**

- a. Service provision impacts - What would the impact be on existing City services and their ability to meet the historically accepted service levels immediately upon annexation?
  - This factor is temporary in nature because, as funds are collected, additional staff and equipment will be obtained to bring each department up to the desired service levels.
- b. Proximity to City limits/require crossing unincorporated areas to serve - It is more efficient provide municipal services to contiguous area than non-contiguous areas. This avoids out of direction travel and simplifies service provision boundaries. This analysis looks at whether an alternative is adjacent to the City limits and whether service providers would be required to cross unincorporated areas to serve all or a portion of each alternative being evaluated.

### **3. Relationship to the UGB expansion area**

- a. Does the area or combination of areas provide a link to one or both of the UGB expansion areas? By providing a link to the UGB expansion areas, the provision of services to both the Bull Mountain area and the UGB expansion area is more efficient and effective.

The remainder of this report provides more detailed analysis of the factors discussed in this methodology section.

### **D. Analytical Approach**

Each section of the report addresses the two main objectives of the report:

#### **1. Sequence and Timing**

In order to evaluate the effectiveness of providing public facilities and services to each alternative (sub-areas), points were assigned to the criteria (i.e., fiscal, service impacts, etc). This provided a method to analyze the effectiveness of providing facilities and services. Ranking resulted from this analysis indicating the most optimal sequence to serve the areas. The “fiscal impacts” category was weighted most heavily with 45 possible points. “Tigard service provision impact” was allocated 30 possible points and “relationship to UGB expansion area” was allocated 20 possible points. An additional category was also included to capture additional considerations, such as publicly owned land with park potential, that didn’t fit into the three main categories. The “Additional Factors” category was allocated 5 points.

#### **2. Policy choices identified**

The analysis includes identification of key policy decisions that Council will need to consider. Policy decisions are identified when there is a “gap” in funding of public facilities such as roads, or in providing on-going services, such as street maintenance or police services.

### **E. Assumptions**

In the development of this document, projections were made that were based on the following assumptions

- Assumptions in the *2001 Bull Mountain Annexation study* for population and development were used to estimate the needs for on-going services and capital.
- 2015 population estimates from the *2001 Bull Mountain Annexation Study* were used for on-going services
- All cost estimates are in 2002 dollars
- It is assumed that the entire area would, at some point, annex
- For analysis only, it was assumed that the revenue produced in the Bull Mountain area would go towards costs in the area and money for costs in the area would come only from the revenue generated from the area as opposed to Citywide funds.

Growth has occurred since the *2001 Bull Mountain Annexation Study* was complete. In an effort to continue building upon the original annexation study area projects, the boundaries, population numbers and growth projections were not updated. However, it is believed that the projections and information provided within this report represent an accurate picture of the issues.

## **Section IV – Analysis of Alternatives**

### **A. Fiscal Analysis**

#### **1. General Overview/Approach**

In order to evaluate how efficient service-provision will be provided over time, this report looked at the financial implications of annexation. The primary question asked is: Will the needs for public facilities and services in the Bull Mountain area create a financial burden on the City or will the revenues generated in the areas off-set the financial needs?

There are two major funding considerations for the City to determine the financial implications of serving an area:

- Projected impact on on-going provision of services and
- Projected one-time capital investment needs (future/long term)

Below is a brief summary of the two major funding considerations:

- **Projected impact on on-going provision of services**

On-going services are services such as police service, street maintenance and other services that are not one-time investments. The on-going service provision needs are those needed to maintain newly annexed areas at the same level of service as historically provided to the City of Tigard. Are the revenues projected to cover the costs or will the on-going needs exceed that of available funds?

Revenues for on-going services are based on population and other factors, not directly to new development. If growth occurs prior to annexation, revenues will not be lost forever. For this reason, the long term impact of annexation was analyzed for on-going services to insure that annexation did not result in a burden on City services as the areas reach build out.

- **Projected one-time capital facilities needs (future/long term)**

Capital facility needs include major one-time investments such as major road upgrades or park facilities. This report identified the potential capital needs for this area utilizing existing Facilities Plan, Master Plans and/or known or anticipated capital needs. The capital needs are mostly medium to long term needs (6 plus years). Revenues for capital improvements come from the one-time costs associated with new development such as park SDCs, traffic impact fees and sewer connection fees. The *2001 Bull Mountain Annexation Study* projected that revenues do not cover the total anticipated need. The Assessment Report analysis evaluated the factor of how time impacts the projected revenues. This re-evaluates the capital need assumptions by looking only at capital projects that are identified in existing Public Facility Plans or Master Plans. The revenue potential decreases over time if property develops prior to annexation. For this reason, the one-time capital needs analysis factors in the revenue lost over time if annexations are delayed. For analysis purposes only, potential annexations in 2005, 2010 and 2015 were evaluated.

## 2. Analysis of On-going provision of services

### a. Scope of Analysis

This section is intended to evaluate if the projected revenues from each sub-area cover the projected costs for providing on-going services. Do individual sub-areas or the entire area generate sufficient revenue to off-set the cost of providing on-going services? On-going services are any service that requires yearly funding to maintain, such as police service, street maintenance and water. For the fiscal analysis, it was assumed that Tigard will provide services at historic levels. The following table (Table 1) provides a brief summary of the assumptions used by each department liaison who participated in this assessment:

**Table 1**

Sanitary Sewer	Looked at existing and projected feet of sewer line and estimated needed staff and equipment based on the standard FTE per x feet of line. Also included pro-rated replacement costs for equipment.
Water	Currently providing service for this area so numbers are based on known costs.
Road Quality	Looked at age of existing roads in the area and calculated needs based on projected pavement condition indexes on a sub-area basis.
Street Maint.	Looked at existing lane miles and projected lane miles based on projected housing units in each area. Applied these numbers to the existing cost per lane mile to conduct street maintenance activities (sweeping, checking signs, dust abatement, crack sealing, etc.) Also included pro-rated replacement costs for equipment.
Street Lights	Looked at how much Tigard currently pays per month for lights and estimated that the entire Bull Mountain area represents about 1/5 of the entire City. Each area allocated a certain percent of the estimated area costs.
Parks	Looked at parks planned for in the 1999 Parks System Master Plan. Cost estimates were from the Master Plan with an inflation factor applied. Also included pro-rated replacement costs for equipment.
Police	Assumed 1.5 police officers per 1,000 residents. Also included pro-rated replacement costs for 1 fully equipped vehicle for every 3 officers.
Community Dev.	Assumed one additional long range planner was needed for the entire area. Each sub-area was allocated .25 new staff.
Storm Sewer	Looked at existing and projected feet of sewer line and estimated needed staff and equipment based on the standard FTE per x feet of line. Also included pro-rated replacement costs for equipment.

For on-going service cost projections and revenue projections, the 2015 population and dwelling unit estimates were used to determine what the long-term financial impacts would be for the City. In the East and West sub-areas, full build out is not projected to be reached by 2015, however, it provides a better picture of the on-going service needs each area will require and the ability of the City to fund those needs. The tables in Appendix C show the 2015 projected service costs for each area and the 2015 revenues for each area. Table 2, below shows the difference between the costs of providing on-going services and revenues for each sub-area.

Estimated 2015 Revenues versus Costs for on-going services **Table 2**

Sub-areas	North	East	South	West
Sanitary Sewer	\$41,600	\$8,600	\$49,700	\$13,600
Water	(\$70,900)	(\$77,200)	(\$69,600)	(\$41,900)
Gas Tax: • Road Quality Maintenance • Street Maintenance • Street Lights	(\$1,200)	(\$19,600)	(\$70,500)	(\$236,400)
General Fund: • Parks and Open Spaces • Police • Community Development	\$324,500	\$474,500	\$471,200	\$330,700
Storm Sewer	(\$1,700)	(\$300)	(\$100)	(\$1,200)

Table 2 shows that, in all areas, several funds do not have enough revenues to cover the cost of providing service at current Tigard standards, however, the net result in each area is that the **total** revenues exceed the **total** on-going service provision costs. The Storm Sewer and Water funds are intended to be self-sufficient. Fees can and should be raised as needed to ensure that there are adequate funds to pay for on-going services. Currently the storm sewer and water funds have sufficient fund balances to meet anticipated needs. Should fund balances decrease significantly, citywide, fees could be increased to address the needs.

Gas Tax rates are set by the state legislature. Throughout the City, Gas Tax Fund revenues have not been keeping pace with service provision costs. This is the case in the Bull Mountain area as well. The Gas Tax funds pay for road maintenance (widening, re-pavement, etc.), street maintenance (sweeping, pot hole repairs, etc.) and street lights. As Council looks at potential solutions to the Gas Tax deficit issues, citywide, one option they may consider is using General Fund revenues to subsidize the Gas Tax Fund deficiencies. The proposed street maintenance fee, if approved, would also help off-set the Gas Tax Fund deficits. If a citywide solution to the Gas Tax Fund needs is not found, the list of projects will continue to grow longer and longer.

In 2015 the total General Fund balance for all areas combined is 1.74 million. Based on the 2015 projections, it could be concluded that there would also be sufficient revenues to provide for the on-going services if the area were to be annexed prior to 2015. If the entire area were annexed earlier than 2015, it may be possible to use the additional revenues to off-set or finance the anticipated capital needs.

## b. Conclusions for on-going provision of services

### i. ***Time and sequence***

- For on-going services, the long term projections indicate that overall, the revenues exceed the costs of providing on-going services for all areas evaluated.
- There would also be sufficient revenue to provide on-going services if the entire area (or portions) were to annex prior to 2015. It may be possible to use the additional revenues anticipated to off-set some of the anticipated capital needs.
- Water and storm funds do not cover the costs of providing on-going services based on current rate projections. If needed, fees can and should be raised so that, citywide, the funds are self-sufficient.
- The Gas Tax Fund is projected to have a deficit in all areas and will not be able to provide all Gas Tax Funded services.
- The total 2015 General Fund revenue for all areas combined is 1.74 million.

### ii. ***Council Policy choices for on-going services***

The analysis shows that, with all funds combined, the projected 2015 Bull Mountain populations can be provided City of Tigard services at existing service levels. While some funds do see deficiencies over time, most are fee driven and the fees will be adjusted to accommodate the projected on-going service needs.

A policy choice is needed related to the projected deficiencies in the Gas Tax fund. The choices identified include:

- The General Fund surplus could be used to subsidize the Gas Tax needs; and/or
- The Street Maintenance fee could be instituted which will provide needed funding which would help off-set the Gas Tax Fund deficit; and/or
- The standards could be further reduced for the Gas Tax Fund services citywide. However, over the long-term, maintenance cost savings will not be realized due to the higher cost to replace versus maintain.



## 3. Projected one-time capital facility needs (future/long term needs)

### a. Scope of Analysis

This section looks at the anticipated capital needs of the Bull Mountain area and the impact time has on the ability to collect funds to address those needs.

Capital needs include park land acquisition, major road improvements, and new storm sewer facilities to address capacity. While Facility Plans cover the entire urban services area and are used to calculate System Development Charges (SDCs), the City's Capital Improvement Plan does not include unincorporated areas. Capital projects for Bull Mountain are not included in Tigard's Capital Improvement Plan (CIP) because the area is not in the City limits. To determine what the funding needs are for this area, the Assessment Report looked at existing plans to determine needed improvements, potential timing and estimated costs.

**Table 3**

Typically, through the Capital Improvement Program process, priorities are made and funding is granted to the projects with the greatest need. The same process would be used in the Bull Mountain area. Bull Mountain estimated capital improvement needs total almost \$36 million. The east section requires the most improvements (it also has the greatest percentage of estimated revenue to cover the anticipated costs). Water-related projects are not included in this total, since the Tigard Water Division already administers this area and will continue to, regardless of annexation. Table 3, to the right, shows the total estimated capital needs for each sub-area. While the \$36 million estimated need may seem high, it needs to be kept in perspective. Most jurisdictions (including the City of Tigard) have needs that exceed their revenues. Through the Capital Improvement Program (CIP) process, priorities are made and funding is granted to the projects with the greatest need. The same process would be used in the Bull Mountain area.

Estimated capital needs by sub-area (short to long term)	
North	5.2 Million
East	13.3 Million
South	8.3 Million
West	8.9 Million
<b>Total</b>	<b>35.7</b>

The majority of funding for Capital facilities is tied to growth. Once growth subsides, growth-based capital funding mechanisms cease functioning to collect funds. Alternative funding sources are required, such as utilizing the general fund or applying for grants. Bull Mountain can absorb only a finite amount of growth. It is necessary to evaluate the capital needs and the impact the timing of annexation has on the ability to efficiently and effectively provide for those needs.

System Development Charges (SDCs) are collected at the time of development for parks, roads, water, and sanitary and storm sewer. These SDCs are one-time capital revenues tied to growth. If growth occurs, prior to annexation, some of the one-time capital revenues will not be available to Tigard to provide for the needs in this area. While Washington County and other service providers may collect funds, there is no guarantee that the funds collected will be used in the Bull Mountain area (with the exception of Traffic Impact Fee (TIF) funds). There are two reasons: 1) the County and/or service district has a large number of projects from which to prioritize distribution of funds, and 2) many of the potential projects will not be needed until the area will be Tigard's responsibility.

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Table 4, below, provides a summary of the capital funds and the type of improvement that could be funded:

**Table 4**

Sanitary Sewer	SDCs pay for major new line and line replacement to increase the system capacity.
Water	SDCs pay for new line and major line replacement to pay for new capacity, revenues pay to replace existing infrastructure.
Traffic Impact Fee (TIF)	Pays for TIF eligible arterial and collector road improvements to bring them up to standard. Also pays for traffic flow and safety improvements such as traffic signals, intersection improvements, etc.
Park SDC	Pays for acquisition and development pf park land.
Storm Sewer	SDCs are used for capacity improvements to the drainage system such as culverts for streets crossing streams and replacing bridges to increase floodwater capacity.
Gas Tax	If funds are available, they could be used to bring any road up to standard, pays for street lights, etc. Gas Tax Funds are very limited.

**Table 5**

Table 5 illustrates how each fund source decreases over time. In addition, the majority of capital improvements needed in each area are projected to be needed in the medium to long term (6 plus years). At issue is whether the City will have the capital funds necessary to address the area's long term capital needs. As the area continues to develop outside Tigard's City limits, the City loses the ability to provide for capital needs.

It is important to note that parks are urban amenities provided by Tigard. The County does not have a method for addressing needed park facilities for the Bull Mountain area. Table 5 also illustrates the potential park SDCs that would be collected if the area develops in the Tigard City limits.

<b>North</b>	<b>2005</b>	<b>2010</b>	<b>2015</b>
Sanitary sewer	190,200	0	0
Water	161,200	0	0
TIF	178,500	0	0
Park SDCs	129,600	0	0
WACO street CIP cost sharing	(12,500)	(12,500)	(12,500)
Storm Sewer	39,500	0	0
<b>East</b>	<b>2005</b>	<b>2010</b>	<b>2015</b>
Sanitary sewer	505,600	440,600	365,900
Water	428,600	373,500	310,200
TIF	474,600	413,600	343,500
Park SDCs	344,400	300,100	249,300
WACO street CIP cost sharing	(12,500)	(12,500)	(12,500)
Storm Sewer	105,000	91,500	76,000
<b>South</b>	<b>2005</b>	<b>2010</b>	<b>2015</b>
Sanitary sewer	260,000	0	0
Water	220,400	0	0
TIF	244,100	0	0
Park SDCs	177,100	0	0
WACO street CIP cost sharing	(12,500)	(12,500)	(12,500)
Storm Sewer	54,000	0	0
<b>West</b>	<b>2005</b>	<b>2010</b>	<b>2015</b>
Sanitary sewer	363,500	262,400	151,700
Water	308,200	222,500	128,600
TIF	341,300	246,300	142,400
Park SDCs	247,600	178,800	103,300
WACO street CIP cost sharing	(12,500)	(12,500)	(12,500)
Storm Sewer	75,500	54,500	31,500

b. Conclusions for one-time capital needs

i. ***Time and Sequence***

- The Bull Mountain Area has estimated capital improvement needs totaling approximately \$36 million.
- Some areas have greater capital needs than others, such as East which has 13.3 million in identified capital needs as compared to the North, which has only 5.2 million in capital needs.
- In order for the City to maximize the available funds in the Bull Mountain area for capital needs, annexation of all areas should occur by 2005 to maximize potential financial contributions. With each incremental annexation delay, contributions are lessened or eliminated entirely. After 2010, the North and South are projected to provide no capital revenues.
- Assuming annexation does not occur and current growth rates continue; by 2010, 25.6% of the capital funds projected for 2005 will not be available to Tigard. 45.6% will not be available if annexation occurs in 2015.

ii. ***Council Policy choices for one-time capital needs***

- As with existing capital needs in the City of Tigard, the potential funding does not cover all of the capital needs in this area. There are several options available for Council to consider which would help off-set the funding needs. These are:
  - Modify existing plans to anticipated funding levels
  - Raise fees (Increase fees like SDC's and/or apply for grant funds to help off-set park funding deficiencies)
  - Use other funding source to off-set capital needs (General Fund)
- Immediate policy action is needed to help ensure as much growth based revenue is collected as possible.

## **B. Analysis of Service Provision Impacts**

### **1. Scope of Analysis**

Regardless of whether annexation is efficient from a fiscal standpoint, the Bull Mountain area must be able to be served by City services without a noticeable reduction in existing service levels, even in the short term, to Tigard residents. This report has identified in the fiscal analysis section that, over the long-term, existing service levels can be provided to the Bull Mountain area.

The objective of this section is to analyze Tigard's initial ability to provide service to the unincorporated Bull Mountain area immediately upon annexation with no upfront hiring and equipment purchases. This was done to understand the impacts of a phased/sequential annexation versus annexation of the total area. Three factors were looked at:

- Short term service provision impacts,
- Proximity to the City limits, and
- Need to cross unincorporated areas to provide service.

#### **a. Short Term Service Provision impacts**

The City of Tigard service providers are Water, Sanitary and Storm Sewer, Street Maintenance, Parks, and Police. They were asked which of the nine possible annexation scenarios could be absorbed with the existing staff and equipment until additional hiring and equipment purchases could occur. A summary of their reports is provided in Appendix D. Based on the information provided, the following is a summary of the impacts immediately upon annexation:

- All service providers except Public Works –Streets Division and Police, could temporarily absorb any or all areas annexed using existing crews, until additional staff could be hired and additional equipment purchased.
- The Police Department could absorb any or all areas with a reduction only in response time to priority 3 (lowest priority, no one in danger) calls.
- The Streets Division could absorb any one area (north, south, east or west) but could not absorb more than one area without additional staff being hired up front. As an alternative, major reduction in services citywide would be necessary until additional staff could be hired and equipment purchased.
- Additional funding would be necessary to provide for all the Gas Tax Fund services (street maintenance, road maintenance, and street lights). Some sub-areas have less Gas Tax fund deficits than others. North has the least deficit in Gas Tax Funds (\$1,200 deficit), and West has the largest deficit (\$236,400).

#### **b. Proximity to City Limits**

Providing service to an area that is not adjacent to the City limits, creates confusion and can result in longer response times for emergency service. If an area is not adjacent to the City limits, under current Comprehensive Plan standards, the area can not be annexed into the City. Cherry stem annexations (annexing the right of way to get to a non-contiguous parcel) may be an option, however, it would likely result in a boundary

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that is not uniform and could cause confusion regarding who the service provider is and could cause service delays in an emergency situation.

- All areas and combinations of areas, except West, are adjacent to the City limits.

## c. Require crossing unincorporated areas to serve

In order to provide service to an area that requires crossing unincorporated areas, efficiency is lost and the potential for confusion to the service provider and potential of reduction in response times in emergency service increases. Therefore, it is preferable to avoid primarily traveling through an unincorporated area to serve parcels in the City of Tigard. The following is a summary of how each sub-area or combination of sub-areas relates to the city limits:

- North, East, South & East and the alternative “ALL areas” do not require crossing through unincorporated areas to serve.
- South, North & West, North & South and South & West require crossing unincorporated areas to serve some portions.
- West requires crossing unincorporated areas to serve.

## **2. Conclusions for Service Provision Impacts**

### **a. Time and sequence**

- Because of the limited impact on services and the proximity to the City limits, the North area (based on the technical ranking scores discussed further in this assessment report) provides the least impact on service provision immediately upon annexation.
- The West area appears to provide the greatest impact on service provision because it is not adjacent to City limits, would require crossing unincorporated areas to service, and has limited gas tax funds projected to serve the gas tax needs.
- The following is a list of all scenarios evaluated in order from least impact to greatest impact on service delivery:
  - North
  - East
  - South
  - All areas/South & East
  - North & South
  - North & West/South & West, and
  - West

### **b. Council Policy Choice**

Because of the potential service provision impacts if the entire area or a combination of 2 areas were annexed at one time, Council must make a policy choice if one of those options were desired. There are several options to address the efficiency of service issues:

- Delayed effective date for portions of the area.
- Authorize funds up front to hire staff and purchase equipment prior to the effective date.
- Negotiate agreements with the County to provide short-term assistance until Tigard service providers are fully staffed.
- Accept citywide reduction in service levels for a period of time.

## **C. Relationship to the Urban Growth Boundary Expansion**

### **1. Scope of Analysis**

Metro is charged with establishing the Urban Growth Boundary (UGB) to accommodate the projected housing and employment needs in the region. After much research, public involvement and analysis, the Metro Council adopted an expansion to the UGB that included several specific areas throughout the region.

Two areas adjacent to the Bull Mountain area (63 and 64) have been determined to be suitable for urban development and inclusion within Tigard's urban services area. Both areas are approximately 480 acres in size. Figure 2 identifies the UGB expansion areas. Metro estimates 1,735 residential units can be accommodated in these areas which will require urban levels of facilities and services. Development of these areas will impact Tigard and the Bull Mountain area. The development in the Bull Mountain area, in turn, impacts how and when the UGB expansion areas can develop. Therefore, consideration of expansions of the Urban Growth Boundary is needed.

The two areas are rural in nature and do not have extensive road or public infrastructure. The size of individual parcels, overall configuration, and location of the two areas complicates existing and planned transportation needs. Neither area is likely to develop as "balanced" and distinct communities. Integration with the existing Bull Mountain areas will be necessary so that they can be planned to complement and enhance the Bull Mountain community and each other.

The evaluation looks at whether a sub-area or combination of sub-areas provides a link between the City and one or both of the UGB expansion areas. For example: The West sub-area is adjacent to both UGB expansion areas but is not adjacent to the City limits. When combined with the South, however, it is adjacent to both UGB expansion areas and, together, there is a link to the City limits.

### **2. Conclusions for relationship to the UGB**

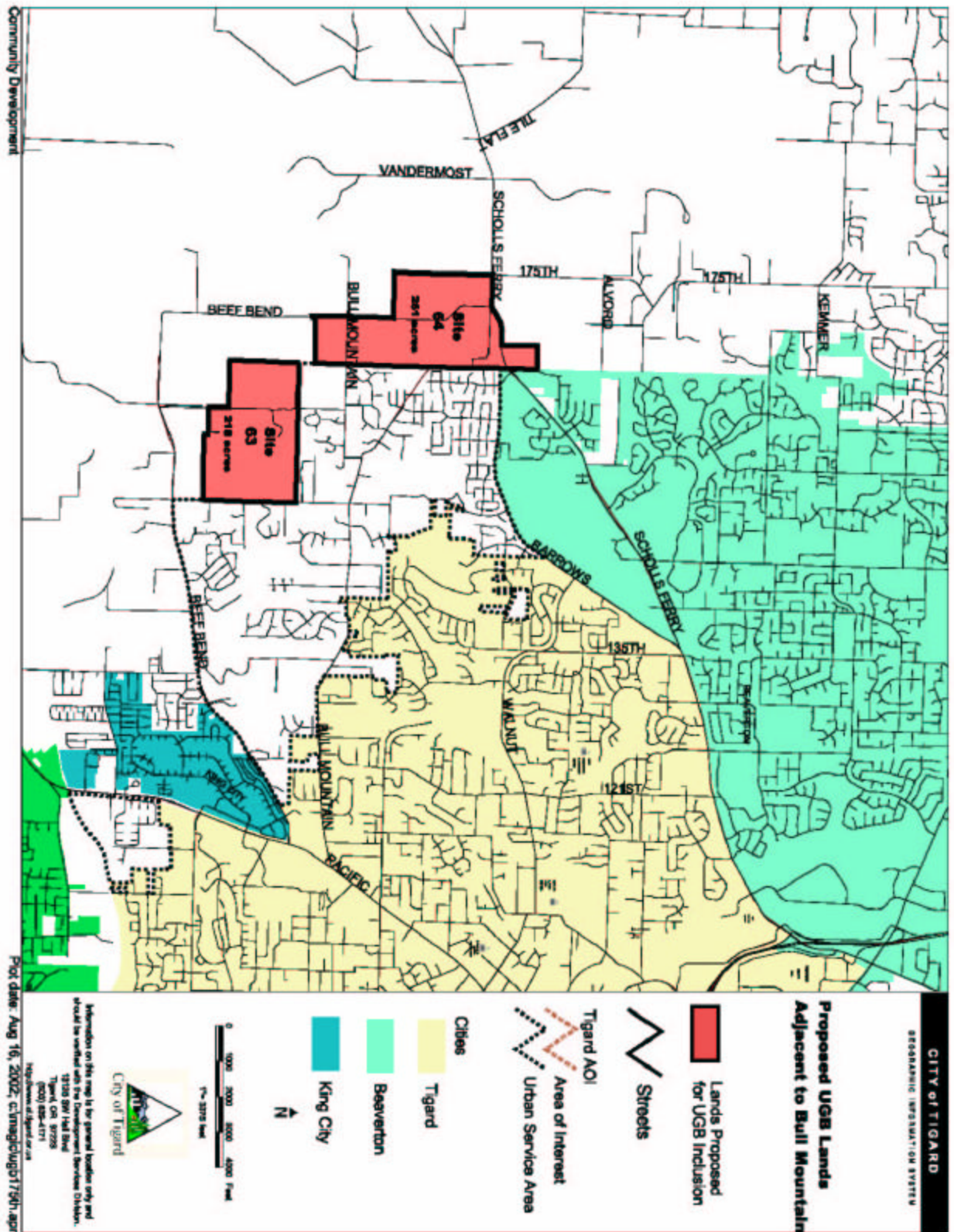
#### **a. Time and sequence**

- A combination of areas including the North and West, North and South, South and West, or All sub-areas provides connections to both UGB expansion areas.
- No single area alone provides adequate connections to both UGB expansion areas.
- The north sub-area provides connection to the northern most UGB expansion area.
- The south sub-area provides a connection to the southern most UGB expansion area.

#### **b. Policy choices**

- Should the UGB expansion areas develop as two distinct, separate communities?
- Should the UGB expansion areas be integrated with Bull Mountain?
- How does the City provide efficient and effective services to these areas?

Figure 2



## Section V – Summary of Conclusions

### A. Timing and Sequence

Regardless of how and when annexation occurs, there will be gaps in certain funds compared to the on-going service and capital needs. The longer the time before annexation, the less capital revenues are available to Tigard. Based on the analysis in this report, the following was concluded:

#### 1. Summary of analysis

The previous sections discussed the evaluation factors in detail and the information from those sections was used in the analysis to apply point values to each alternative as it relates to the evaluation factors. A copy of the detailed evaluation chart is provided in Appendix E. A summary of the results is provided below:

The following is a summary of how each **individual sub-area** ranked:

**Table 6**

	<b>Financial Impacts</b> (45 possible pts)	<b>Tigard Service Provision Impacts</b> (30 possible pts)	<b>Relationship to the UGB</b> (20 possible pts)	<b>Additional Factors</b> (5 possible pts)	<b>All criteria considered</b> (100 possible pts)
<b>Ranking</b>	(25 pts) East	(30 pts) North	(tied 10 pts each) North and South	(tied 5 pts each) North and East	(60 pts) South
	(20 pts) South	(28 pts) East			(58 pts) East
	(15 pts) West	(25 pts) South	(tied 0 pts each) West and East	(tied 0 pts each) West and South	(55 pts) North
	(10 pts) North	(10 pts) West			(25 pts) West

The following is a summary of how each **combination of areas** ranked

**Table 7**

	<b>Financial Impacts</b> (45 possible pts)	<b>Tigard Service Provision Impacts</b> (30 possible pts)	<b>Relationship to the UGB</b> (20 possible pts)	<b>Additional Factors</b> (5 possible pts)	<b>All criteria considered</b> (100 possible pts)
<b>Ranking</b>	(35 pts) South & East	(23 pts) South & East	(tied 20 pts each) North & West, South & West, and North & South	(tied 5 pts each) North & West, South & East and North & South	(77 pts) North & South
	(30 pts) North & South	(32 pts) North & South			(73 pts) South and East
	(25 pts) South & West	(tied 20 pts each) North & West and South & West			(tied 65 pts each) North & West and South & West
	(20 pts) North & West		(10 pts) South & East	(0 pts) South & West	

The following is a summary of how the alternative “**All areas**” combined ranked **Table 8**

	<b>Financial Impacts</b> (45 possible pts)	<b>Tigard Service Provision Impacts</b> (30 possible pts)	<b>Relationship to the UGB</b> (20 possible pts)	<b>Additional Factors</b> (5 possible pts)	<b>All criteria considered</b> (100 possible pts)
	40	23	20	5	88



## **2. Summary of Conclusions for Timing and Sequence**

- The South area ranked highest of the single sub-areas with 60 points primarily because it provides revenues with minimal costs and creates a link to the UGB expansion areas.
- The West area ranked the lowest of all scenarios with 25 points primarily because, if annexed alone, it would create impacts to the provision of services and would not provide a link to the UGB expansion areas.
- North and South is the combination of two areas that received the highest ranking with 77 points. Together they provide revenue with minimal costs, have park land potential, create few service provision impacts, and provide a link with both UGB expansion areas.
- The alternative “All areas” combined received the highest points (88 points) and was ranked the highest in each category except “Tigard Service Provision Impacts”.

## **B. Policy Choices**

### **1. Council policy choices for on-going services**

Prior to annexation, the Gas Tax Fund deficit issue must be addressed. Potential policy choices identified for Council include:

- The General Fund surplus could be used to subsidize the gas tax needs; and/or
- The Street Maintenance fee could be instituted which will provide much of the needed funding and would help off-set the Gas Tax Fund deficit; or
- The standards could be reduced for the Gas Tax Fund services citywide. However, over the long-term, maintenance cost savings will not be realized due to the higher cost to replace versus maintain.

### **2. Council policy choices for capital improvements**

- The potential funding does not cover all of the capital needs in this area. There are several options available to Council to consider which would help off-set the funding needs:
  - Modify existing plans to anticipated funding levels;
  - Raise fees (Increase fees like SDCs and/or apply for grant funds to help off-set park funding deficiencies); or
  - Use other funding source to off-set capital needs.
- Immediate policy action is needed to help ensure as much growth based revenue is collected as possible

### **3. Council policy choice for service provision impact upon annexation**

Annexation of the entire Bull Mountain area at one time impacts service delivery due to increased staffing and equipment needs. To address this issue, several options exist:

- Delay the annexation effective date for portions of the Bull Mountain area;
- Authorize funds up front to hire staff and purchase equipment prior to the effective date ;
- Negotiate agreements with the County to provide short-term assistance until Tigard service providers are fully staffed; or
- Accept short-term, citywide reduction in service levels until staff and equipment are up to standard levels.

### **4. Council Policy choice for UGB**

Council must determine how the UGB will be integrated into the community and what approach should be taken:

- Continue existing trend of County controlling development in unincorporated areas;
- Use annexation and coordination as a growth management tool;
- How do we ensure that we can provide efficient and effective services to the UGB expansion areas?

## **Appendix – Additional information**

- A. Chronology of Coordination in Unincorporated Areas
- B. Study Area Profile (from 2001 Bull Mountain Annexation Study)
- C. On-Going Service Costs and Revenues
- D. Tigard Service Provision Impacts Summaries by Department
- E. Evaluation Criteria Tables
- F. Change in Service Levels between County and City

## Chronology of coordination in unincorporated areas

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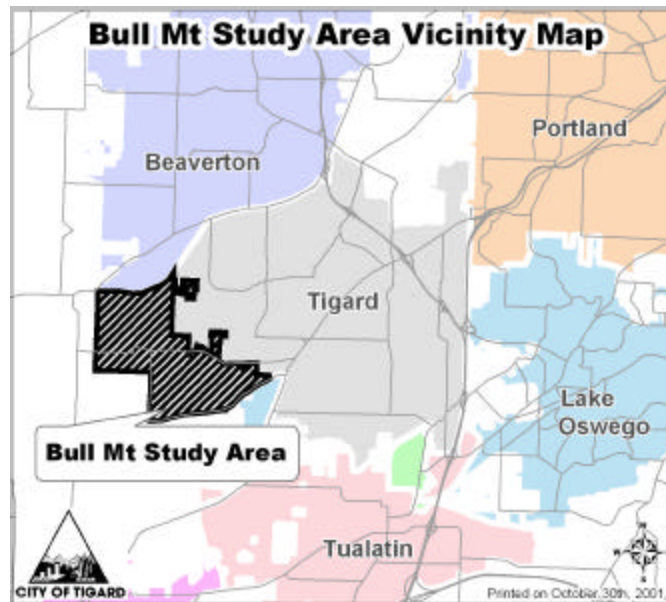
1973	<b><u>Statewide Planning Goals</u></b> and Guidelines established, setting the foundation for land use planning in Oregon.
1983	<b><u>Comprehensive Plan adopted</u></b> with specific policies regarding annexation. Sets framework for all future annexation efforts.
1988	<b><u>Urban Planning Area Agreement</u></b> signed between Tigard and Washington County to ensure coordinated and consistent comprehensive plans. The UPAA defined a site specific urban planning area, a process for coordinating planning, and policies regarding comprehensive planning and development.
1993	<b><u>Senate Bill 122 passed by the State Legislature</u></b> , requires the coordination and provision of urban services for lands within the Urban Growth Boundary.
1997	<b><u>Tigard and Washington County entered into an Intergovernmental Agreement</u></b> that transferred land development, engineering review and building permit activity to the City.
March 2001	<b><u>The Tigard City Council establishes a goal</u></b> to establish an annexation policy for non-island areas, such as Bull Mountain and began to study the feasibility of annexing the Bull Mountain area.
July 2001	<b><u>The City and County meet with Bull Mountain residents</u></b> to identify questions which influence the scope of <i>The Bull Mountain Annexation Study</i> .
Nov., 2001	<b><u>City finalizes Bull Mountain Annexation Study</u></b> .
Jan., 2002	<b><u>Study conclusions presented</u></b> to a group of Bull Mountain residents. A survey is suggested as a means to get input from a representative sample of the area.
July 2002	<b><u>Public opinion poll conducted</u></b> of Bull Mountain and Tigard residents by phone.
August 2002	<b><u>Tigard Council examines the survey results</u></b> and considers three annexation policy alternatives. Council considers a resolution to initiate an Annexation Plan, however the motion does not pass.
Oct 2002 – May 2003	<b><u>Public facilities and Services Assessment Report developed</u></b> for Council to assist in making annexation policy decisions that come up.
Nov, 2002	<b><u>Council approves signing the SB 122 required Urban Service Agreements</u></b> which spell out what urban services Tigard will be the ultimate provider of.

## Study Areas Profile from 2001 Bull Mountain Annexation Study

The area identified in the Bull Mountain Study consists of approximately 1,430 acres of land located west of the City of Tigard (see map below) in Washington County, within the Urban Growth Boundary (UGB). The Study Area abuts Beaverton and Tigard on the north and east, respectively, King City to the southeast, and unincorporated County land outside the Urban Growth Boundary to the south and west.

Figure 1

The land in the Study Area is sloped—steeply in some areas—allowing for views at higher elevations. Traditionally a farming area, the last decade brought additional home developments to the area. Today, both farms and subdivisions co-exist here. Although the identified area is now outside the City limits, the City of Tigard provides many urban services to residents. In 1997, the City of Tigard and Washington County entered into an Urban Services Agreement, which transferred responsibility for land use decisions, building and development-related engineering to the City of Tigard. The County adopted the City of Tigard Community Development Code for the Bull Mountain area, which applies standards to any new development in the area.<sup>1</sup>



At the time the Bull mountain Annexation study was completed (November 2001), approximately 7,300 people lived in the Study Area, according to 2000 Census data. There is no commercial or industrial zoned land in the Study Area. Most of the property is zoned R-7, a medium density residential zone requiring lots of a minimum of 5,000 square feet. The area consists of a combination of (1) a mix of larger undeveloped lots, (2) larger lots developed through the County under different standards, and (3) smaller lots that are built to the minimum density allowed under the current zoning regulations.

The sub-area descriptions below represent the sub-area development assumptions utilized for this plan.

### *North*

This sub area is located south of Barrows Road, north of Baker Lane and Roshak Road, east of the urban growth boundary and west of the Bonneville Power Administration (BPA) easement line. The North area consists of approximately 383 acres and a population of 3,001. This area has a combination of R-7, R-12 and R-25 zoning; however, all of the higher-density (R-25) residential lots were developed as single-family home subdivisions. While there are several larger

lots, there are very few redevelopable or vacant lots in this area due to steep slopes. This area is largely built out with only about 10% of the area identified as vacant or redevelopable. Based on the household growth rate of 2.2% identified by Metro, it is estimated that this area will be built out in 4.5 years.

### *West*

The western sub area is bordered on the south and west by the Urban Growth Boundary. It is bordered on the east by SW 150<sup>th</sup> and to the north by Roshak Road and Baker Lane. The western area consists of approximately 259 acres with 944 people. The majority of the area has been developed with large lot subdivisions, which are not expected to be divided further. However, 15.3% of the land in this area is identified as vacant or redevelopable. The zoning in this area is R-7 (medium density residential). Based on the 2.2% household growth rate identified by Metro, it is estimated that this area will be built out in 6.9 years.

### *South*

This sub area is generally located west of SW Peachtree, east of SW 150<sup>th</sup>, north of Beef Bend Road and south of High Tor Drive. The southern area consists of approximately 507 acres of land and 3,196 people. The zoning is primarily R-7 (medium density residential) with a small portion of R-25 (medium-high density residential) to the south between Foxglove #2 subdivision and Beef Bend Heights. Many of the subdivisions were developed with large lots that are not expected to be divided further; as a result, this area has larger lots with only limited infill potential. This area has about 10.6% vacant or redevelopable land. Based on the 2.2% household growth rate identified by Metro, it is estimated that this area will be built out in 4.8 years.

### *East*

This area is generally located east of the Mountain Gate subdivision, south of Bull Mountain Road and north of Beef Bend Road. The eastern area consists of approximately 282 acres with 544 people. This area has most of the Study Area's growth potential, with almost 40 percent of the land identified as vacant or redevelopable. The zoning is R-7, which calls for a minimum lot size of 5,000 square feet. Based on the 2.2% household growth rate identified by Metro, it is estimated that this area will be built out in 18 years. However, recent land purchases in this area and initial discussions with developers indicate that this area will develop much sooner than projected.

**On-Going Service Costs and Revenues**

Estimated 2015 cost (in 2002 dollars) to provide services at City standards by sub area

<b>Table 1</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
Sanitary sewer	\$47,200	\$13,600	\$51,900	\$20,000
Water	\$343,500	\$145,500	\$381,700	\$145,200
Road quality maintenance	\$76,800	\$15,600	\$143,000	\$240,000
Street Maintenance	\$47,900	\$20,400	\$66,900	\$34,700
Street lights	\$20,200	\$13,400	\$20,200	\$13,400
Parks and Open spaces	\$6,100	\$57,600	\$18,100	\$18,100
Police	\$479,400	\$166,100	\$557,700	\$244,400
Community Development	\$20,000	\$20,000	\$20,000	\$20,000
Storm Sewer	\$44,400	\$11,000	\$49,000	\$17,400

The numbers in the above chart have been refined and updated from the estimates provided for in the *Bull Mountain Annexation Study (November 2001)*. While the 2001 *Bull Mountain Annexation Study* provided broad brush estimates, the estimates provided here are based on detailed analysis of the population projections, and include staff, equipment and equipment replacement costs. In addition, the estimates from the *Bull Mountain Annexation Study (November 2001)* were based on 2000 population and did not project the financial implications time, and increased populations, had on the cost to provide services.

Estimated 2015 Revenues to support on-going services

<b>Table 2</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
Sanitary sewer	\$88,800	\$22,200	\$101,600	\$33,600
Water	\$272,600	\$68,300	\$312,100	\$103,300
Gas Tax:	\$143,700	\$29,800	\$159,600	\$51,700
• Road quality maintenance				
• Street Maintenance				
• Street lights				
General Fund:	\$830,000	\$718,200	\$1,067,000	\$613,200
• Parks and Open spaces				
• Police				
• Community Development				
Storm Sewer	\$42,700	\$10,700	\$48,900	\$16,200

## Tigard Service Provision Impacts Summaries by Department

### Police

**Urban Services currently provided by Tigard:** Currently Tigard responds to 911 priority 1 and 2 calls if they have an officer closer than a Washington County patrol officer. In many cases, this means Tigard is the first responder, secures the scene and waits for a Washington County Officer to take over the scene. This agreement occurs between all law enforcement offices in the State. Tigard does not currently have data on the number of calls they respond to in the Bull Mountain area, because when any officer arrives on the scene, the 911 system does not distinguish what jurisdiction responded, only that an officer responded. Beginning in May, 2003 Tigard began tracking these calls, so that we will be able to compile data on the number and types of calls we respond to in this area. The bottom line is that this area is receiving some Tigard police services without paying City taxes.

**Impact of providing services immediately upon annexation:** The Police department has estimated that if any or all areas were annexed, the existing staff could absorb that area without a significant reduction in service levels until additional employees can be hired and fully trained to bring the department up to the standard of 1.5 officers per 1000 residents. The response time for priority 1 and 2 calls would not be noticeably reduced, however, until the department could be fully staffed, there would be a slight reduction in response times to priority 3 calls. Priority 3 calls are calls where no one is in danger (car broken into, loud noise, etc) but an officer is needed to take a report. The more people annexed at one time, the higher the demand on police services and the greater the chance that there would be a reduction in response time to these lower priority calls.

### Parks

**Urban Services currently provided by Tigard:** None

**Impact of providing services immediately upon annexation:** Tigard owns Cache Creek, however it is intended to be a nature park/preserve and is not developed. Because there are no developed parks in the Bull Mountain area, immediately upon annexation, there will be no requirement to provide park maintenance services. As parks are purchased and developed, equipment and staff will be acquired to insure that maintenance is provided in accordance with Tigard City standards.

### Water

**Urban Services currently provided by Tigard:** See Below

**Impact of providing services immediately upon annexation:** The City of Tigard provides water service to the Bull Mountain area already through an intergovernmental agreement with the Tigard Water District. The only change that will occur if the Bull Mountain area is annexed is that it will technically be withdrawn from the Tigard Water District and included in the City of Tigard Water Division. Because the area is already being served, there is no issue with when



# Draft

and how the Bull Mountain area annexes that would affect the efficiency or effectiveness of service.

## Sanitary and Storm Sewer

**Urban Services currently provided by Tigard:** Tigard does not currently provide storm or sanitary sewer services to the Bull Mountain area. However, Tigard recently entered into an intergovernmental agreement with Clean Water Services that stipulates Tigard will begin providing maintenance services to this area effective July 1, 2004.

**Impact of providing services immediately upon annexation:** While these services are based in different funds, they utilize similar equipment and staff. The Public Works department has indicated that all areas alone or in combination with one other area could be maintained immediately upon annexation, by stretching the current work crew, until additional equipment and staff could be acquired.

## Street Maintenance

**Urban Services currently provided by Tigard:** None

**Impact of providing services immediately upon annexation:** Street maintenance includes: sweeping 12 times per year, checking all signs annually, yearly dust abatement for gravel roads, 5 year cycle to replace street markings, 4 year cycle for crack sealing and road shoulders, and other maintenance as needed. Because of the equipment and staff needed to perform these tasks, the Public Works Department has stated that any one sub-area annexed alone could be temporarily absorbed by the existing staff and equipment. While services would be reduced, it would not be to the extent that roads would be neglected. However, if more than one area were annexed, service levels would be significantly reduced citywide until additional staff and equipment could be obtained to meet the added demand.

## Road Maintenance

**Urban Services currently provided by Tigard:** None

**Impact of providing services immediately upon annexation:** Road maintenance includes things like overlay or slurry seal on roads with poor pavement condition, pavement widening, etc. Many roads in the Bull Mountain area are new and will not require road maintenance for many years. Per the Urban Services Agreement signed in 2002, prior to transferring roads to Tigard, the County shall make needed roadway improvements so that all individual roads have a pavement condition index (PCI) of 40 or greater and the average PCI of streets and roads in the area is 75 or higher. Finally, costs to do road maintenance are programmed based on available funding and construction is contracted out. For these reasons, annexation of the entire area (or combinations) will not result in a reduction of services for Tigard residents and service will continue to be effectively provided.

## Street Light Maintenance

***Urban Services currently provided by Tigard:*** None

***Impact of providing services immediately upon annexation:*** Street light maintenance involves paying electricity, lamp replacement and pole maintenance for existing street lights. Service in the study areas is currently assessed to the property owner. Upon annexation, maintenance is provided by the City and the property owner assessment would go away. Engineering staff has estimated that it will cost approximately \$5,600 per month for the entire Bull Mountain area. Street lights are funded through gas tax. Because street light costs are paid to PGE, there is no ability to reduce service levels (short of turning off lights) however, the need to fund this service will reduce Gas Tax Funds that could be used for other Gas Tax Funded services.

Evaluation criteria (100 pts)	North	West	South	East	N&W	S&E	N&S	S&W	All
<b>Tigard Service Provision Impact (30 pts)</b>									
Adjacent to City limits	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<p>If area is annexed alone, can it be fully served without significantly decreasing current City service levels immediately upon annexation? *Water, Sanitary sewer and storm sewer are not evaluated since they already serve this area. Road maintenance is not included because major projects have to be programmed into the CIP and will not be needed immediately upon annexation. Parks maintenance is not included because there are no developed parks properties to maintain.</p> <p style="text-align: center; font-size: 2em;">Draft</p>									
▪ Police	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
▪ Street maintenance (PW)	Yes	Yes	Yes	Yes	No	No	No	No	No
▪ Street light maint. (% of gas tax revenues that cover gas tax needs)	99%	18%	69%	60%	45%	67%	80%	40%	54%
Would service provision of this area require crossing an area that is unincorporated?	No	Yes	Part.	No	Part.	No	Part.	Part.	No
<b>Relationship to UGB expansion area (20 pts)</b>									
Provides link to UGB area	Yes - 1	No	Yes - 1	No	Yes-2	Yes-1	Yes-2	Yes-2	Yes-2
<b>Financial impacts (45 pts)</b>									
Total Tax Revenues (for on-going services) vs. Total on-going costs - 2015	292,256	64,670	380,711	386,111	356,926	766,822	672,967	445,381	1,123,748
% of capital needs covered by revenues (includes all capital funds) – 2005 annexation	7.8%	10.6%	8.6%	9.9%	9.6%	9.4%	8.3%	9.7%	9.5%
Additional growth potential (difference between existing(baseline) dwelling units and projected build-out dwelling units	237	173	251	549	410	800	488	424	1210
<b>Additional factors</b>									
Publicly owned land with some park potential	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes
Total points	55	25	55	58	65	73	77	65	88

**Point allocation sheet**

Evaluation criteria (100 pts)	North	West	South	East	N&W	S&E	N&S	S&W	All
<b>Tigard Service Provision Impacts (30 pts)</b>									
<ul style="list-style-type: none"> <li>Adjacent to City limits – 10 pts total Yes=10 pts No = 0 pts</li> </ul>	10	0	10	10	10	10	10	10	10
<ul style="list-style-type: none"> <li>If area is annexed alone, can it be fully served without significantly decreasing current City service levels immediately upon annexation? ? *Water, Sanitary sewer and storm sewer are not evaluated since they already serve this area. Road maintenance is not included because major projects have to be programmed into the CIP and will not be needed immediately upon annexation. Parks maintenance is not included because there are no developed parks properties to maintain.</li> </ul>	Draft								
Police – 5 pts									
Street maintenance – 5 pts									
Street light maint. – ** because this depends on when funds are collected and what else the gas tax needs to be spent on , points will be distributed based on the % of gas tax revenues to pay gas tax needs (AKA – will there be money to pay the light bills). 0-25% = 0 pts 25-75% = 2 pt 75%+ = 4 pts									
<ul style="list-style-type: none"> <li>Would service provision of this area require crossing an area that is unincorporated? 6 pts total Yes= 0 pts Part. = 3 pts No= 6 pts</li> </ul>									
<b>Subtotal</b>	30	10	25	28	20	23	22	20	23
<b>Relationship to UGB expansion area (20 pts)</b>									
<ul style="list-style-type: none"> <li>Provides link to UGB area – 20 pts Yes-2 = 20 pts Yes 1 = 10 pts No = 0 pts</li> </ul>	10	0	10	0	20	10	20	20	20
<b>Subtotal</b>	10	0	10	0	20	10	20	20	20

Evaluation criteria (100 pts)	North	West	South	East	N&W	S&E	N&S	S&W	All
<b>Financial impacts (45 pts)</b>									
<ul style="list-style-type: none"> <li>Total Tax Revenues (for on-going services) vs. Total on-going costs - 2015 – 25 pts total <ul style="list-style-type: none"> <li>&gt;800,000 = 25 pts</li> <li>600,000-800,000 = 20 pts</li> <li>400,000-600,000 = 15 pts</li> <li>200,000-400,000 – 10 pts</li> <li>&lt;200,000 = 5 pts</li> </ul> </li> </ul>	10	5	10	10	10	20	20	15	25
<ul style="list-style-type: none"> <li>% of capital needs covered by revenues (includes all capital funds) – 2005 annexation – 10 pts <ul style="list-style-type: none"> <li>&lt; 8% = 0 pts</li> <li>8.1%-10% = 5 pts</li> <li>&gt;10.1% = 10 pts</li> </ul> </li> </ul>	0	10	5	5	5	5	5	5	5
Additional growth potential (difference between existing(baseline) dwelling units and projected build-out dwelling units– 10 pts <ul style="list-style-type: none"> <li>&lt; 250 d.u. = 0 pts</li> <li>250-500 d.u = 5 pts</li> <li>&gt; 500 d.u = 10 pts</li> </ul> *** based on 2.5% growth projections – if areas build out sooner than projected, the actual lost revenue will be different	0	0	5	10	5	10	5	5	10
<b>Subtotal</b>	10	15	20	25	20	35	30	25	40
<b>Additional factors (5 pts)</b>									
Publicly owned land with some park potential <ul style="list-style-type: none"> <li>Yes = 5 pts</li> <li>No = 0 pts</li> </ul>	5	0	0	5	5	5	5	0	5
<b>Total points</b>	55	25	60	58	65	73	77	65	88

## Change in Service Levels Between County and City

<i>I. Service</i>	<i>II. Provider Today</i>	<i>III. Under Annexation</i>	<i>IV. Change in Service upon annexation?</i>
Police	Washington County provides 1.0 officers/1000 people (.5 standard; .5 from Enhanced Patrol)	The City of Tigard would provide 1.5 officers/1000 people	Yes There would be an increase of approximately .5 officers/1000 people
Fire/Rescue	Tualatin Valley Fire & Rescue provides services.	Tualatin Valley Fire & Rescue continues to provide services.	No
Parks	Washington County does not provide parks services.	The Tigard Park Master Plan calls for 2 neighborhood parks and 1 community park in the Bull Mountain area. The plan also calls for a small playground to be built adjacent to the Cache Nature Park.	Yes The City provides park services.
General Road Maintenance	Washington County through the Urban Road Maintenance District. General street maintenance by the County is primarily on a complaint-driven basis. Typical maintenance activities include: <ul style="list-style-type: none"> <li>• pothole patching</li> <li>• grading graveled roads</li> <li>• cleaning drainage facilities</li> <li>• street sweeping</li> <li>• mowing roadside grass and brush (only the shoulder strip)</li> <li>• maintaining traffic signals</li> <li>• replacing damaged signs</li> </ul>	The City's road maintenance performs maintenance on regular schedules as well as on a complaint-driven basis. Typical maintenance activities include: <ul style="list-style-type: none"> <li>• pothole patching</li> <li>• grading graveled roads</li> <li>• cleaning drainage facilities</li> <li>• street sweeping</li> <li>• mowing roadside grass and brush (shoulder strip + ditch line)</li> <li>• maintaining traffic signals</li> <li>• replacing damaged signs</li> <li>• installing and replacing street markings</li> <li>• crack sealing</li> <li>• vegetation removal for vision clearance</li> <li>• street light tree trimming for light clearance</li> <li>• dust abatement on graveled roads</li> </ul>	Yes The City provides additional road maintenance services.
Sanitary Sewer	Clean Water Services (CWS)	The City of Tigard will meet the same level of service as CWS. All service levels for CWS and surrounding jurisdictions must be uniform by July 2003.	No
Storm Sewer	Clean Water Services (CWS)	The City of Tigard will meet the same level of service as CWS. All service levels for CWS and	No

		surrounding jurisdictions must be uniform by July 2003.	
Water	Intergovernmental Water Board contracts with the Tigard Water District to provide water.	Service remains the same. Tigard Water District will continue to provide water but will bill directly.	No
Street Light Maintenance	Washington County administers Service Districts for Lighting for PGE. Residents pay an annual operations and maintenance assessment.	The City of Tigard will assume all street light operations and maintenance for existing lights. Residents do not pay a separate assessment.	Service remains the same but property owners are not assessed for the operation of the lights.
Community Development and Building Services	<p>The City of Tigard provides building services—including land use decisions, building and engineering—under an intergovernmental agreement with Washington County.</p> <p>All land use decisions are reviewed under the City standards and through the City's hearing process with the exception of legislative actions (zone changes, Comprehensive Plan amendments, etc.)</p>	<p>The City of Tigard will continue to provide building services to this area.</p> <p>All land use decisions will continue to be reviewed under the City standards and through the City's hearing process. The City would be the review authority for legislative actions as well (zone changes, comprehensive plan amendments, etc).</p>	Only change in service is that the City reviews legislative matters.
Library	Washington County Cooperative Library Services (WCCLS) Consortium, which provides funding through the county tax to area libraries, including Tigard.	The City of Tigard, which receives approximately 62% of its funding through the WCCLS. Bull Mountain residents would have influence on the library's services, and could advocate for the services they want.	No
Schools	Both the Beaverton School District and the Tigard School District provide service based on district boundaries.	Annexation does not change school district boundaries.	No
Garbage Collection	Residents are charged rates established by Washington County for service provided by Pride. Residents pay the fee depending on the size of container they use.	The City franchises City garbage collection, and the Bull Mountain area would become part of the franchised area. The service provider remains the same but residents would be charged the rates established by City Council based on the size of the container they use.	Service remains the same, but rates will differ.

# THE BULL MOUNTAIN ANNEXATION STUDY



COMMUNITY DEVELOPMENT DEPARTMENT  
LONG-RANGE PLANNING  
NOVEMBER 2001



# **THE BULL MOUNTAIN ANNEXATION STUDY**

## **PRODUCED BY:**

**THE CITY OF TIGARD COMMUNITY DEVELOPMENT DEPARTMENT**  
DIRECTOR, JAMES N.P. HENDRYX

## **LONG-RANGE PLANNING**

BARBARA SHIELDS, LONG-RANGE PLANNING MANAGER

JULIA HAJDUK, ASSOCIATE PLANNER

JOEL GROVES, GIS SPECIALIST

BETH ST. AMAND, ASSISTANT PROJECT MANAGER

JODI BUCHANAN, INTERN

**NOVEMBER 27, 2001**

**CITY OF TIGARD**

**13125 SW HALL BLVD.**

**TIGARD, OR 97223**

**503/639-4171**

# **THE BULL MOUNTAIN ANNEXATION STUDY**

## **T A B L E O F C O N T E N T S**

### **EXECUTIVE SUMMARY**

<b>INTRODUCTION</b>	<b>P. 1</b>
<b>1. STUDY AREA PROFILE</b>	<b>P. 2</b>
<b>2. URBAN SERVICES IN THE STUDY AREA</b>	<b>P. 6</b>
<b>3. COSTS AND REVENUE OF ANNEXATION UNDER CURRENT CONDITIONS - SCENARIO 1</b>	<b>P. 9</b>
<b>4. COSTS AND REVENUE OF ANNEXATION LONG TERM CONDITIONS - SCENARIOS 2 AND 3</b>	<b>P. 12</b>
<b>5. ANNEXATION AND TAXATION</b>	<b>P. 17</b>
<b>6. CONCLUSIONS AND KEY POLICY ISSUE</b>	<b>P. 18</b>

## **A P P E N D I C E S**

<b>APPENDIX A.</b>	<b>COST AND REVENUE ANALYSIS BY SUBAREAS</b>
<b>APPENDIX B.</b>	<b>SUMMARY OF ESTIMATED CAPITAL IMPROVEMENT PROJECTS</b>
<b>APPENDIX C.</b>	<b>COST AND REVENUE ANALYSIS BY FUNDS</b>
<b>APPENDIX D.</b>	<b>ANNEXATION AND TAXATION</b>
<b>APPENDIX E.</b>	<b>METHODS OF ANNEXATION</b>
<b>APPENDIX F.</b>	<b>BULL MOUNTAIN ANNEXATION QUESTION AND ANSWER PACKET</b>
<b>APPENDIX G:</b>	<b>RESIDENTIAL GARBAGE COLLECTION RATES FOR THE BULL MOUNTAIN STUDY AREA</b>

## **EXECUTIVE SUMMARY**

Since adoption of the City of Tigard's Comprehensive Plan in the mid-1980s, the Bull Mountain area has been identified as eventually being within the City limits of Tigard. In 1993, the State Legislature passed Senate Bill 122, which required the coordination and provision of urban services for lands within the Urban Growth Boundary. In 1997, Tigard and Washington County entered into an urban services agreement that transferred land development and building permit activity to the City.

The Tigard City Council established a goal for 2001 to establish an annexation policy for non-island areas, such as Bull Mountain, and directed staff to study the feasibility of annexing the Bull Mountain area. "The Bull Mountain Annexation Study" is an outcome of Council's direction.

"The Bull Mountain Annexation Study" provides a context for policy issues related to annexation of Bull Mountain.

Since the demand for services and generated revenue is dependent on the number of people living in the area, the study examines the costs and revenues of annexation based on growth scenarios. Three growth scenarios were developed for the purpose of this study: current conditions (Scenario 1), buildout (Scenario 2) and moderate development (Scenario 3).

A comparative analysis of the three scenarios constitutes the quintessential portion of this study. Scenario 1 assumes that no future growth occurs in the area and is used as a starting point for a comparative analysis. Scenario 2 assumes that all buildable land will be developed and built out at the maximum densities under current land use regulations. Scenario 3 assumes that development will occur at lower density (50% of the "buildout" growth). While Scenario 1 and Scenario 2 reflect two extreme conditions for comparison purposes, Scenario 3 provides a conservative estimate of what could occur in the study area.

A capital improvement funding strategy for roads and parks is the key policy issues in all three scenarios. The estimated need to provide an adequate level of service for parks and roads is the most critical aspect in evaluating the Bull Mountain annexation issues. Furthermore, the projected park and transportation improvement costs exceed the projected revenues in the three scenarios.

This report does not contain a fully developed strategy addressing the funding issues. However, it does identify the discussion parameters to provide a context for the decision making process. A possible strategy would consist of a variety of alternatives, as identified in Section 6 of the report:

- Use a portion of the General Fund to address capital improvements.
- Assistance from Washington County to address some or all of the capital improvement needs.
- Form Local Improvement Districts to address specific capital improvement needs, such as parks and roads.
- Delay improvement of streets until funding sources are available.

- Obtain grant fundings to address portions of capital improvements.
- Identify the effective sequence of annexing specific sub-areas of Bull Mountain.

The study identifies several alternatives and policy choices for Council's review and discussion over the next few months. Public outreach must follow. Ultimately, annexation of the Bull Mountain study area is a policy issue that deserves considerable discussion by the City and those people most affected.

## **INTRODUCTION**

One of the Tigard City Council Goals is to provide urban services to all citizens within Tigard's urban growth boundary and that recipients of services pay their share. In March 2001, the Tigard City Council directed staff to conduct a study of the Bull Mountain area (see map on page 2) to help Council evaluate policy recommendations related to annexation of the Bull Mountain area. The purpose of this study is to determine if the City of Tigard should pursue annexation based on an analysis of annexation's costs and benefits to both the City and current Bull Mountain residents.

In order to be assured this study addressed the concerns of Bull Mountain residents, the City and Washington County held a Focus Group meeting in July 2001. The Focus Group meeting gave residents an opportunity to ask questions related to the Bull Mountain area. The meeting was attended by over 100 people and provided a direct input to the scope of the study. As an outcome of this effort, two documents were initiated. The first is "The Bull Mountain Annexation Study," and the second is the "Bull Mountain Annexation Question and Answer Packet."

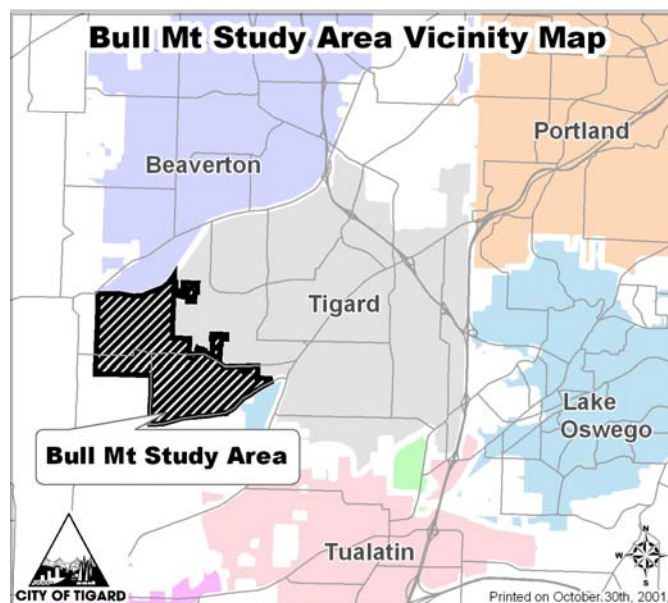
The study report is divided into six main sections.

- |                               |   |
|-------------------------------|---|
| <b>Section 1</b>              | provides background and a current profile of the study area in terms of population, development and zoning.                                     |
| <b>Section 2</b>              | provides information on the levels of urban services provided to study area residents.  |
| <b>Sections 3 &amp; 4</b>     | examine the costs and revenues of annexation based on three growth scenarios: current conditions, buildout, and moderate development.           |
| <b>Section 5</b>              | provides information on how annexation will affect taxation rates for residents, and how it will affect expenditures and revenues for the City. |
| <b>Section 6</b>              | summarizes the findings and raises key policy issues for Council to consider.   |
| <b>Appendices A through F</b> | provide detailed background information, which was used in preparing the report and the "Bull Mountain Annexation Question and Answer Packet."  |

## 1. STUDY AREA PROFILE

The Bull Mountain Study Area consists of approximately 1,440 acres of land located west of the City of Tigard (see map below) in Washington County, within the Urban Growth Boundary (UGB). The Study Area abuts Beaverton and Tigard on the north and east, respectively, King City to the southeast, and unincorporated County land outside the Urban Growth Boundary to the south and west.

The land in the Study Area is sloped—steeply in some areas—allowing for views at higher elevations. Traditionally a farming area, the last decade brought additional home developments to the area. Today, both farms and subdivisions co-exist here. Although the identified area is now outside the City limits, the City of Tigard provides many urban services to residents. In 1997, the City of Tigard and Washington County entered into an Urban Services Agreement, which transferred responsibility for land use decisions, building and development-related engineering to the City of Tigard. The County adopted the City of Tigard Community Development Code for the Bull Mountain area, which applies standards to any new development in the area.<sup>1</sup>



Currently, approximately 7,300 people live in the Study Area, according to 2000 Census data. There is no commercial or industrial zoned land in the Study Area. Most of the property is zoned R-7, a medium density residential zone requiring lots of a minimum of 5,000 square feet. The area consists of a combination of (1) a mix of larger undeveloped lots, (2) larger lots developed through the County under different standards, and (3) smaller lots that are built to the minimum density allowed under the current zoning regulations.

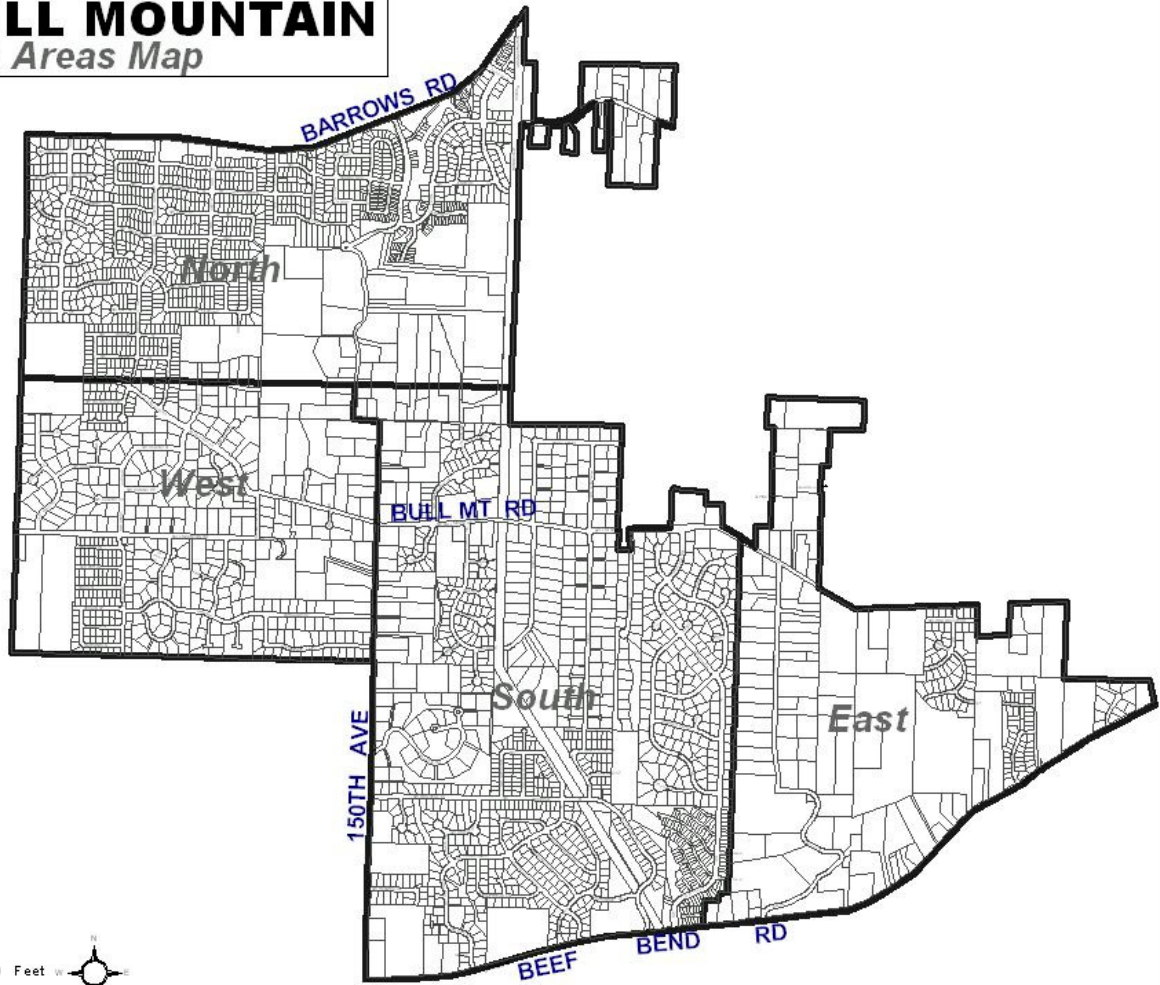
Given the existing development pattern and topography, this study divides the Bull Mountain area into 4 subareas: North, South, East and West (see map, next page).

<sup>1</sup> Section 2 of this report further discusses current and anticipated service provisions for the Study Area.



# **BULL MOUNTAIN**

## *Sub Areas Map*



### **North**

This subarea is located south of Barrows Road, north of Baker Lane and Roshak Road, east of the urban growth boundary and west of the Bonneville Power Administration (BPA) easement line. The North area consists of approximately 383 acres and a population of 2,813. This area has a combination of R-7, R-12 and R-25 zoning; however, all of the higher-density (R-25) residential lots were developed as single-family home subdivisions. While there are several larger lots, there are very few redevelopable or vacant lots in this area due to steep slopes. This area is largely built out with only about 10% of the area identified as vacant or redevelopable. Based on the household growth rate of 2.2% identified by Metro, it is estimated that this area will be built out in 4.5 years.

### **West**

The western subarea is bordered on the south and west by the Urban Growth Boundary. It is bordered on the east by SW 150<sup>th</sup> and to the north by Roshak Road and Baker Lane. The western area consists of approximately 259 acres with 944 people. The majority of the area has been developed with large lot subdivisions, which are not expected to be divided further. However, 15.3% of the land in this area is identified as vacant or redevelopable. The zoning in this area is R-7 (medium density residential). Based on the 2.2% household growth rate identified by Metro, it is estimated that this area will be built out in 6.9 years.

### **South**

This subarea is generally located west of SW Peachtree, east of SW 150<sup>th</sup>, north of Beef Bend Road and south of High Tor Drive. The southern area consists of approximately 507 acres of land and 3,077 people. The zoning is primarily R-7 (medium density residential) with a small portion of R-25 (medium-high density residential) to the south between Foxglove #2 subdivision and Beef Bend Heights. Many of the subdivisions were developed with large lots that are not expected to be divided further; as a result, this area has larger lots with only limited infill potential. This area has about 10.6% vacant or redevelopable land. Based on the 2.2% household growth rate identified by Metro, it is estimated that this area will be built out in 4.8 years.

### **East**

This area is generally located east of the Mountain Gate subdivision, south of Bull Mountain Road and north of Beef Bend Road. The eastern area consists of approximately 282 acres with 434 people. This area has most of the Study Area's growth potential, with almost 40 percent of the land identified as vacant or redevelopable. The zoning is R-7, which calls for a minimum lot size of 5,000 square feet. Based on the 2.2% household growth rate identified by Metro, it is estimated that this area will be built out in 18 years.



**Table 1, Bull Mountain Study Area Profile**

<b>Bull Mountain Study Area Profile</b>					
Study Area is 1,440 ac, or 2.25 sq miles, or 62,726,400 square feet*					
Total Assessed Acres is 1130 ac or 1.77 sq miles					
	<b>North</b>	<b>West</b>	<b>South</b>	<b>East</b>	<b>Total***</b>
Total Acreage	383.8	259	507.4	282.3	1432.5
Total Population (2000 Census)	2813	944	3077	434	7268
Median Average Household Size	2.85	3.00	3.06	1.88	2.92
Number of Housing Units	948	331	1106	160	2545
Total Assessed Value (Bldg and land)*	198,668,803.00	102,772,030.00	261,492,712.00	61,350,130.00	624,283,675.00
Median Assessed Value (bldg and land)	174,440.00	215,960.00	239,550.00	283,760.00	227,755.00
% Remaining for Development	10.0%	15.3%	10.6%	39.9%	n.a
Projected Rate of Population Growth <sup>1</sup>	2.0%	2.0%	2.0%	2.0%	2.0%
Projected Timeline to Reach Buildout <sup>2</sup>	4.5 years	6.9 years	4.8 years	18 years	
<p>* Data from Magic, Sept. 2001, which reflects Wash. Cty. Tax Assessor's records.</p> <p>*** Note: Subarea totals do not add up to the overall total due to scale; these are only approximations</p> <p>**** This total is less than the 2143 from the overall calculation; this reflects rounding down</p> <p>Also, please note that GIS sq ft was used, which is not as accurate as surveyor's measurements.</p> <p>All square footage is approximated.</p> <p>1 From Metro's Data Resource Center.      2 Also from Metro. Based on household growth rate for the City of Tigard at 2.2 percent.</p>					

The above table provides a general overview of the Bull Mountain area by four subareas.

The following is a summary of the major assumptions and sources, which were utilized in preparing Table 1:

- population, housing unit and household data were obtained from Census 2000 information;
- land data and assessed value information were obtained from the City's MAGIC GIS system, which uses Washington County Tax Assessor data;
- the growth projections utilize Metro's 2.2 percent growth rate for households or housing units, and 2.0 percent for population.; this rate could vary based on the economy and other factors;<sup>2</sup>
- "Redevelopable land" refers to partially developed lots; these large lots are not built to minimum density, and could potentially be subdivided for "infill."

<sup>2</sup> The City has approved approximately eight subdivisions in this area with approximately 432 lots total. All lots and infrastructure in these subdivisions were built to City standards. It is not anticipated that growth will continue at this rate, however. Therefore, for this study, the Metro assumptions of 2% were used to develop future population forecasts, and 2.2% for future housing units.

## **2 . U R B A N   S E R V I C E S   I N   T H E S T U D Y   A R E A**

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As stated earlier, although the Study Area lies in unincorporated Washington County, the City of Tigard already provides some urban services to residents. In 1997, the City of Tigard and Washington County entered into an Urban Services Agreement, which transferred responsibility for land use decisions, building and development-related engineering to the City of Tigard. The remainder of the Study Area's services are provided by either Washington County or regional service agencies, such as Clean Water Services, etc. Table 2, next page, identifies each service for the Study Area, the current provider, and compares the current level of services to the projected level of services under annexation.

**Table 2: Service Provision in the Bull Mountain Study Area**

<b>Service</b>	<b>Provider Today</b>	<b>Under Annexation</b>	<b>Change in Service upon annexation?</b>
Police	Washington County provides 1.0 officers/1000 people (.5 standard; .5 from Enhanced Patrol)	The City of Tigard would provide 1.5 officers/1000 people	Yes There would be an increase of approximately .5 officers/1000 people
Fire/Rescue	Tualatin Valley Fire & Rescue provides services.	Tualatin Valley Fire & Rescue continues to provide services.	No
Parks	Washington County does not provide parks services.	Tigard's Parks standard is 7.65 acres for every 1,000 residents. This includes Greenways, trails, open space and improved parks. Until parks could be provided in Bull Mountain, the City ratio would be approximately 6.74/1000.	Yes The City provides park services.
General Road Maintenance	Washington County through the Urban Road Maintenance District. General street maintenance by the County is primarily on a complaint-driven basis. Typical maintenance activities include: <ul style="list-style-type: none"> <li>• pothole patching</li> <li>• grading graveled roads</li> <li>• cleaning drainage facilities</li> <li>• street sweeping</li> <li>• mowing roadside grass and brush (only the shoulder strip)</li> <li>• maintaining traffic signals</li> <li>• replacing damaged signs</li> </ul>	The City's road maintenance performs maintenance on regular schedules as well as on a complaint-driven basis. Typical maintenance activities include: <ul style="list-style-type: none"> <li>• pothole patching</li> <li>• grading graveled roads</li> <li>• cleaning drainage facilities</li> <li>• street sweeping</li> <li>• mowing roadside grass and brush (shoulder strip + ditch line)</li> <li>• maintaining traffic signals</li> <li>• replacing damaged signs</li> <li>• installing and replacing street markings</li> <li>• crack sealing</li> <li>• vegetation removal for vision clearance</li> <li>• street light tree trimming for light clearance</li> <li>• dust abatement on graveled roads</li> </ul>	Yes The City provides additional road maintenance services.
Sanitary Sewer	Clean Water Services (CWS)	The City of Tigard will meet the same level of service as CWS. All service levels for CWS and surrounding jurisdictions must be uniform by July 2003.	No

Storm Sewer	Clean Water Services (CWS)	The City of Tigard will meet the same level of service as CWS. All service levels for CWS and surrounding jurisdictions must be uniform by July 2003.	No
Water	Intergovernmental Water Board contracts with the Tigard Water District to provide water.	Service remains the same. Tigard Water District will continue to provide water but will bill directly.	No
Street Light Maintenance	Washington County administers Service Districts for Lighting for PGE. Residents pay an annual operations and maintenance assessment.	The City of Tigard will assume all street light operations and maintenance for existing lights. Residents do not pay a separate assessment.	Service remains the same but property owners are not assessed for the operation of the lights.
Community Development and Building Services	<p>The City of Tigard provides building services—including land use decisions, building and engineering—under an intergovernmental agreement with Washington County.</p> <p>All land use decisions are reviewed under the City standards and through the City’s hearing process with the exception of legislative actions (zone changes, Comprehensive Plan amendments, etc.)</p>	<p>The City of Tigard will continue to provide building services to this area.</p> <p>All land use decisions will continue to be reviewed under the City standards and through the City’s hearing process. The City would be the review authority for legislative actions as well (zone changes, comprehensive plan amendments, etc).</p>	Only change in service is that the City reviews legislative matters.
Library	Washington County Cooperative Library Services (WCCLS) Consortium, which provides funding through the county tax to area libraries, including Tigard.	The City of Tigard, which receives approximately 62% of its funding through the WCCLS. Bull Mountain residents would have influence on the library’s services, and could advocate for the services they want.	No
Schools	Both the Beaverton School District and the Tigard School District provide service based on district boundaries.	Annexation does not change school district boundaries.	No
Garbage Collection	Residents are charged rates established by Washington County for service provided by Pride. Residents pay the fee depending on the size of container they use.	The City franchises City garbage collection, and the Bull Mountain area would become part of the franchised area. The service provider remains the same but residents would be charged the rates established by City Council based on the size of the container they use.	Service remains the same, but rates will differ. See Appendix G for rates.

### **3 . C O S T S A N D R E V E N U E O F A N N E X A T I O N U N D E R C U R R E N T C O N D I T I O N S - S C E N A R I O 1**

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#### **Introduction**

The previous section showed how annexation would affect services in the Bull Mountain area; however, there are additional considerations affecting the City's decision to annex. The City must also project the study area's demand for services and the cost and revenue of providing those services.

The following section looks closely at the City's projected revenues and costs to serve the study area if it were annexed in the near future. For estimation purposes, this scenario (Scenario 1) assumes that all currently approved subdivision lots will be built with no future growth occurring. While it is highly unlikely that no further land development will occur, this scenario creates a starting point for evaluation.

#### **Service Demand**

The demand for services in the Study Area is dependent on the number of people living in the Study Area, and the number of housing units. The area has approximately 7,300 residents living in 2,545 housing units, according to Census 2000 data. As of this date, an additional 164 building lots have been approved. Assuming that all approved lots are built, it is expected that over 2,700 housing units and 7,680 people will live in the Study Area, under current conditions.

The major objective of the report is to examine costs and revenues associated with the City services for the entire area. This provides a solid understanding of the key parameters affecting the area which will ultimately help in the decision making process.

It should be emphasized that the amount of services required for the study area will also vary by subareas due to differences in population and development densities. Appendix A provides details on all four subareas. This information could be used in examining specific strategies for different subareas.

Based on the projected population and number of housing units, Table 3, next page, contains the City's expected revenues, operating costs, and capital improvement costs associated with each City fund for the entire Study Area.

**Table 3      Projected Revenues and Costs by Funds for Bull Mountain Area  
(Scenario 1)**

**Ongoing Operating Costs**

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$2,161,822	1,298,469	\$863,353
State Gas Tax	\$319,081	391,932	(\$72,851)
Sanitary Sewer	\$202,904	\$85,597	\$117,307
Storm Sewer	\$97,524	78,188	\$19,336
Water	\$1,767,550	691,659	\$1,075,891

**One-time Capital Costs**

<b>Fund</b>	<b>Fund Balance/ Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
General	\$863,353	0	\$863,353
State Gas Tax	(\$72,851)	0	(\$72,851)
Sanitary Sewer	\$394,830	0	\$394,830
Storm Sewer	\$82,000	0	\$82,000
Water	\$1,075,891	\$322,854	\$753,037
Traffic Impact Fee	\$370,640	0	\$370,640
Parks SDC	\$268,960	\$13,105,000	(\$12,836,040)
Water SDC	\$334,724	0	\$334,724

Based on the above table, the following is a summary of issues that need to be addressed in considering annexation of the Bull Mountain area:

- with the exception of the State Gas Tax Fund, the operating costs are significantly less than the respective revenues for all funds;
- annexing the study area in the near future would create a significant need for land and park improvements to meet the City's current level of services for parks; the projected park improvement (CIP) costs (Appendix B), exceed the projected revenue (park SDCs) approximately 49 times;
- water system improvements are needed regardless of annexation. Sufficient revenue is projected to address capital needs;

- Scenario 1 does not assume one-time capital costs for most funds except for Water and Parks because the limited growth will not pay for improvements.

**Summary:** The estimated need to provide an adequate level of service for parks is the most critical aspect in evaluating the Bull Mountain area annexation in the near future. Capital costs for transportation are not assured with this assumption. However, transportation improvements ultimately will be needed. Scenarios 2 and 3 identify potential capital needs; however, a certain level of transportation improvements will also be needed with Scenario 1. Scenario 1 does not reflect capital improvements for transportation.

## 4 . THE COSTS AND REVENUES OF ANNEXATION IN THE LONG TERM – SCENARIOS 2 AND 3

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### **Introduction**

The previous section (Section 3) showed the Study Area’s estimated demand for services based on current population and housing units. However, for purposes of calculation, Scenario 1 assumes no further growth. Bull Mountain will continue to grow in the long term and, therefore, this must be considered.

This section examines two additional scenarios, Scenario 2 and Scenario 3. Both of these scenarios assume future growth in the Study Area will consist of 5,000-sq.ft. lots with single-family housing units. This assumption is based on the current R-7 medium density residential zoning, which requires a minimum lot size of 5,000 square feet.

Both growth scenarios are based on the following assumptions:

- Future growth projections are based on the amount of “net buildable land” in the Study Area. “Net buildable land” refers to available land that can accommodate housing units. This excludes land that is publicly owned, owned or under option by the Trust for Public Lands, reserved for right-of-way, wetlands, with a slope exceeding 25 percent, or already developed to its minimum development potential. This also excludes all lots in existing and approved subdivisions.
- Buildable land consists of two categories: vacant and partially developed. Vacant lands are those without housing units. Partially developed lots are oversized lots that are not built to the minimum density, and have the potential to be divided.
- Both scenarios are based on aerial photographs and tax assessor data in determining the net buildable land in the Study Area.

### **Scenario 2: “Buildout”**

This scenario assumes that all buildable lands will be developed and “built-out” by the year 2019. Based on current average household sizes, it is projected that the Study Area would have 12,905 residents and 4,824 housing units.

Based on the number of additional homes and residents projected in this scenario, service demand would increase. Table 4 details those changes by examining each of the City’s expected revenues, operating costs, and capital improvement costs associated with each City fund at the buildout.



**Table 4 Projected Costs and Revenues by Fund for  
Bull Mountain Area at Buildout (Scenario 2)**

**Ongoing Operating Costs**

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$3,806,006	\$2,260,681	\$1,545,325
State Gas Tax	\$535,816	\$628,011	(\$92,195)
Sanitary Sewer	\$361,318	\$143,739	\$217,579
Storm Sewer	\$173,664	\$131,300	\$42,364
Water	\$2,968,150	\$1,161,450	\$1,806,700

**One-time Capital Costs**

<b>Fund</b>	<b>Fund Balance/ Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
General	\$1,545,325	\$267,200	\$1,278,125
State Gas Tax	(\$92,195)	\$252,500	(\$344,695)
Sanitary Sewer	\$5,486,693	\$1,510,100	\$3,976,593
Storm Sewer	\$1,139,500	0	\$1,139,500
Water	\$1,806,700	\$542,094	\$1,264,606
Traffic Impact Fee	\$5,150,540	\$12,718,600	(\$7,568,060)
Parks SDC	\$3,737,560	\$22,033,000	(\$18,295,440)
Water SDC	\$4,651,439	\$816,400	\$3,835,039

Based on the above table, the following is a summary of issues that need to be addressed in considering annexation of the Bull Mountain area:

- with the exception of the State Gas Tax Fund, the operating costs are significantly less than the respective revenues for all funds;
- as compared to Scenario 1, the needed operating costs will more than double to serve the entire Bull Mountain area at buildout, which is proportional to the population and development increase;
- the significant need for road improvements and parks (Appendix B) would be the major consideration in the development and annexation of the Bull Mountain area;

- the projected park and transportation improvement (CIP) costs (Appendix B) exceed the projected revenue;
- there are one-time capital costs associated with all funds except for Sanitary Sewer.

**Summary:** The estimated need to provide an adequate level of service for parks and roads is the most critical aspect in evaluating the Bull Mountain area annexation at buildout. Revenues for these improvements do not fully address capital costs.

## Scenario 3: Moderate Growth

### Introduction

This scenario assumes that development will occur at a lower density, or 50% of the new growth in Scenario 2. Scenario 3 allows for current land-use patterns on Bull Mountain, which includes the following: some existing lots are larger than 5,000 sq ft.; some homes occupy more than one tax lot; some owners do not want to further develop their property. The Study Area would have 10,235 residents and 3,755 housing units approximately by the year 2010.

Based on the number of additional homes and residents projected in this scenario, service demand would increase. Table 5 details those changes by examining each of the City's expected revenues, operating costs, and capital improvement costs associated with each City fund.

**Table 5 Projected Costs and Revenues by Fund for  
Bull Mountain Area, Moderate Growth (Scenario 3)**

### Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$2,974,309	\$1,843,752	\$1,130,557
State Gas Tax	\$424,978	\$509,303	(\$84,325)
Sanitary Sewer	\$281,324	\$114,005	\$167,319
Storm Sewer	\$135,216	\$104,134	\$31,082
Water	\$2,354,165	\$921,240	\$1,432,925

### One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/ Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
General	\$1,130,557	\$267,200	\$863,357
State Gas Tax	(\$84,325)	\$252,500	(\$336,825)
Sanitary Sewer	\$2,917,890	\$1,510,100	\$1,407,790
Storm Sewer	\$606,000	0	\$606,000
Water	\$1,432,925	\$429,996	\$1,002,929
Traffic Impact Fee	\$2,739,120	\$12,718,600	(\$9,979,480)
Parks SDC	\$1,987,680	\$17,482,500	(\$15,494,820)
Water SDC	\$2,473,692	\$816,400	\$1,657,292

Based on Table 5, the following is a summary of issues that need to be addressed in considering annexation of the Bull Mountain area:

- with the exception of the State Gas Tax Fund, the operating costs are significantly less than the respective revenues for all funds;
- the significant need for road improvements and parks (Appendix B) would be the major consideration in the annexation of the Bull Mountain area;
- the projected park and transportation improvement (CIP) costs (Appendix B) exceed the projected revenue;
- there are one-time capital costs associated with all funds except for Sanitary Sewer.

**Summary:** The estimated need to provide an adequate level of service for parks and roads is the most critical aspect in evaluating the Bull Mountain area annexation in the Moderate Growth Scenario. Capital costs exceed projected revenues.

## 5 . A N N E X A T I O N   A N D   T A X A T I O N

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In all scenarios, this report focuses on service provision and its costs. This section provides a comparison of the tax rates for the study area.

The following is a brief summary of the Bull Mountain area taxation (see Appendix D for details).

- Property owners in the Bull Mountain area are grouped into two tax districts: 51.78 and 23.78. The City of Tigard tax district is 23.74.
- Bull Mountain property owners (tax districts 51.78 and 23.78) now pay the following taxes for general government services and would continue to pay them under annexation: Washington County, Tualatin Valley Fire & Rescue, Port of Portland and Metro.
- Bull Mountain property owners (tax districts 51.78 and 23.78) now pay the following taxes to support General Obligation bonds, and would continue to pay them under annexation: Washington County, Portland Community College, Tualatin Valley Fire & Rescue, Port of Portland, Metro and Tri-Met.
- Bull Mountain property owners (tax districts 51.78 and 23.78) would cease paying the following taxes for general government services, as these services would be assumed by the City of Tigard: Washington County Enhanced Patrol, Washington County Road Maintenance, and Washington County Street Light Assessment.
- A home with an assessed value of \$227,755 would pay an additional \$256.50 per year if annexed. Those taxes support the full government and operations of the City of Tigard, and the additional services provided to City versus County residents, as detailed in Table 2, in Section 2. It also includes one existing general obligation bond for the City of Tigard. For a detailed breakdown of taxes, please see Appendix D.

The Federal government offers the Entitlement Communities Program to those cities with a population of at least 50,000. The program makes cities eligible for HUD grants, which can be used for neighborhood revitalization, affordable housing, and to improve community facilities and services to primarily benefit low- and moderate-income persons. Under all scenarios, the City's combined population is projected to be over 50,000. The City would become eligible for the Entitlement Communities program after it reaches 50,000 population, which is dependent upon the area's growth rate.

## 6 . C O N C L U S I O N S A N D K E Y P O L I C Y I S S U E

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### Summary of Conclusions

- With the exception of the East Subarea, the majority of the Bull Mountain area is almost built out.
- Assuming buildout of approximately 12,905 residents and 4,824 housing units for the entire Study Area, each subarea could reach buildout at different times.
- Annexation under scenarios 2 and 3 would make the City an Entitlement Community in the future. Additional funding may become available to Tigard.
- Revenue projections are mostly dependent upon growth. The rate and amount of growth determines revenue forecasts.
- The Study Area has extensive capital needs, mostly road and park improvements.
- Capital costs for road improvements and park improvements exceed revenue projections.

### Key Policy Issue

Based on the above conclusions, the key policy issue is a capital improvement funding strategy.

Possible strategies:

- Use a portion of the General Fund to address capital improvements.
- Assistance from Washington County to address some or all of the capital improvement needs.
- Form Local Improvement Districts to address specific capital improvement needs, such as parks and roads.
- Delay improvement of streets until funding sources are available.
- Obtain grant funding to address portions of capital improvements.
- Identify the effective sequence of annexing specific subareas of Bull Mountain.

**Appendix E** identifies the various methods of annexation available to the City of Tigard.

**West Sub-Area  
Scenario 1**

Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$319,504	137,066	\$182,439
State Gas Tax	\$39,195	52,524	(\$13,329)
Sanitary Sewer	\$24,792	10,514	\$14,278
Storm Sewer	\$11,916	9,604	\$2,312
Water	\$217,120	84,960	\$132,160

One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
General Fund	\$182,439	\$0	\$182,439
State Gas Tax	(\$13,329)	\$0	(\$13,329)
Sanitary Sewer	\$0	\$0	\$0
Storm Sewer	\$0	\$0	\$0
Water	\$132,160	\$39,669	\$92,491
Traffic Impact Fee	\$0	\$0	\$0
Parks SDC	\$0	\$1,675,000	(\$1,675,000)
Water SDC	\$0	\$0	\$0

**West Sub-Area  
Scenario 2**

Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$574,613	\$364,571	\$210,042
State Gas Tax	\$82,293	\$98,183	(\$15,890)
Sanitary Sewer	\$50,707	\$22,076	\$28,631
Storm Sewer	\$24,372	\$20,165	\$4,207
Water	\$455,860	\$178,380	\$277,480

One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
General Fund	\$210,042	\$0	\$210,042
State Gas Tax	(\$15,890)	\$57,800	(\$73,690)
Sanitary Sewer	\$832,995	\$235,000	\$597,995
Storm Sewer	\$173,000	\$0	\$173,000
Water	\$277,480	\$83,265	\$194,215
Traffic Impact Fee	\$781,960	\$1,928,000	(\$1,146,040)
Parks SDC	\$567,440	\$3,375,000	(\$2,807,560)
Water SDC	\$706,186	\$195,700	\$510,486



**West Sub-Area  
Scenario 3**

Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$447,059	\$261,864	\$185,194
State Gas Tax	\$60,744	\$76,404	(\$15,660)
Sanitary Sewer	\$37,750	\$16,295	\$21,455
Storm Sewer	\$18,144	\$14,885	\$3,259
Water	\$336,490	\$131,670	\$204,820

One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
General Fund	\$185,194	\$0	\$185,194
State Gas Tax	(\$15,660)	\$57,800	(\$73,460)
Sanitary Sewer	\$416,498	\$235,000	\$181,498
Storm Sewer	\$86,500	\$0	\$86,500
Water	\$204,820	\$61,467	\$143,353
Traffic Impact Fee	\$390,980	\$1,928,000	(\$1,537,020)
Parks SDC	\$283,720	\$2,497,500	(\$2,213,780)
Water SDC	\$353,093	\$195,700	\$157,393

**South Sub-Area  
Scenario 1**

Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$887,928	\$541,657	\$346,271
State Gas Tax	\$132,698	\$164,764	(\$32,066)
Sanitary Sewer	\$85,761	\$35,598	\$50,163
Storm Sewer	\$41,220	\$32,517	\$8,703
Water	\$735,080	\$287,640	\$447,440

One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
General Fund	\$346,271	\$0	\$346,271
State Gas Tax	(\$32,066)	\$0	(\$32,066)
Sanitary Sewer	\$93,893	\$0	\$93,893
Storm Sewer	\$19,500	\$0	\$19,500
Water	\$447,440	\$134,253	\$313,187
Traffic Impact Fee	\$88,140	\$0	\$88,140
Parks SDC	\$63,960	\$5,400,000	(\$5,336,040)
Water SDC	\$79,599	\$0	\$79,599

**South Sub-Area  
Scenario 2**

Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$1,244,099	\$778,549	\$465,549
State Gas Tax	\$189,207	\$256,469	(\$67,262)
Sanitary Sewer	\$119,091	\$50,757	\$68,334
Storm Sewer	\$57,240	\$46,365	\$10,875
Water	\$1,048,110	\$410,130	\$637,980

One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
General Fund	\$465,549	\$267,200	\$198,349
State Gas Tax	(\$67,262)	\$42,900	(\$110,162)
Sanitary Sewer	\$1,165,230	\$124,300	\$1,040,930
Storm Sewer	\$242,000	\$0	\$242,000
Water	\$637,980	\$191,415	\$446,565
Traffic Impact Fee	\$1,093,840	\$5,444,000	(\$4,350,160)
Parks SDC	\$793,760	\$7,768,000	(\$6,974,240)
Water SDC	\$987,844	\$365,600	\$622,244

**South Sub-Area  
Scenario 3**

Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$1,057,617	\$673,712	\$383,905
State Gas Tax	\$159,624	\$207,997	(\$48,373)
Sanitary Sewer	\$101,639	\$42,821	\$58,818
Storm Sewer	\$48,852	\$39,110	\$9,742
Water	\$884,235	\$346,050	\$538,185

One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
General Fund	\$383,905	\$267,200	\$116,705
State Gas Tax	(\$48,373)	\$42,900	(\$91,273)
Sanitary Sewer	\$604,283	\$124,300	\$479,983
Storm Sewer	\$125,500	\$0	\$125,500
Water	\$538,185	\$161,511	\$376,674
Traffic Impact Fee	\$567,260	\$5,444,000	(\$4,876,740)
Parks SDC	\$411,640	\$6,570,000	(\$6,158,360)
Water SDC	\$512,291	\$365,600	\$146,691

**North Sub-Area  
Scenario 1**

Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$722,853	\$516,800	\$206,053
State Gas Tax	\$124,602	\$144,651	(\$20,049)
Sanitary Sewer	\$75,949	\$33,426	\$42,523
Storm Sewer	\$36,504	\$30,533	\$5,971
Water	\$690,230	\$270,099	\$420,131

One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
General Fund	\$206,053	\$0	\$206,053
State Gas Tax	(\$20,049)	\$0	(\$20,049)
Sanitary Sewer	\$158,895	\$0	\$158,895
Storm Sewer	\$33,000	\$0	\$33,000
Water	\$420,131	\$126,063	\$294,068
Traffic Impact Fee	\$149,160	\$0	\$149,160
Parks SDC	\$108,240	\$5,175,000	(\$5,066,760)
Water SDC	\$134,706	\$0	\$134,706

**North Sub-Area  
Scenario 2**

Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$936,587	\$699,038	\$237,550
State Gas Tax	\$165,167	\$188,222	(\$23,055)
Sanitary Sewer	\$101,639	\$44,308	\$57,331
Storm Sewer	\$48,852	\$40,474	\$8,378
Water	\$914,940	\$358,020	\$556,920

One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
General Fund	\$237,550	\$0	\$237,550
State Gas Tax	(\$23,055)	\$42,900	(\$65,955)
Sanitary Sewer	\$984,668	\$575,400	\$409,268
Storm Sewer	\$204,500	\$0	\$204,500
Water	\$556,920	\$167,097	\$389,823
Traffic Impact Fee	\$924,340	\$2,846,600	(\$1,922,260)
Parks SDC	\$670,760	\$6,795,000	(\$6,124,240)
Water SDC	\$834,769	\$189,200	\$645,569

**North Sub-Area  
Scenario 3**

Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$828,156	\$621,312	\$206,844
State Gas Tax	\$143,742	\$165,637	(\$21,895)
Sanitary Sewer	\$88,794	\$38,561	\$50,233
Storm Sewer	\$42,678	\$35,224	\$7,454
Water	\$796,260	\$311,580	\$484,680

One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
General Fund	\$206,844	\$0	\$206,844
State Gas Tax	(\$21,895)	\$42,900	(\$64,795)
Sanitary Sewer	\$572,985	\$575,400	(\$2,415)
Storm Sewer	\$119,000	\$0	\$119,000
Water	\$484,680	\$145,425	\$339,255
Traffic Impact Fee	\$537,880	\$2,846,600	(\$2,308,720)
Parks SDC	\$390,320	\$5,917,500	(\$5,527,180)
Water SDC	\$485,758	\$189,200	\$296,558

### East Sub-Area Scenario 1

#### Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$231,537	\$102,946	\$128,591
State Gas Tax	\$22,587	\$29,993	(\$7,406)
Sanitary Sewer	\$16,403	\$6,059	\$10,344
Storm Sewer	\$7,884	\$5,534	\$2,350
Water	\$125,120	\$48,960	\$76,160

#### One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
General Fund	\$128,591	\$0	\$128,591
State Gas Tax	(\$7,406)	\$0	(\$7,406)
Sanitary Sewer	\$142,043	\$0	\$142,043
Storm Sewer	\$29,500	\$0	\$29,500
Water	\$76,160	\$22,869	\$53,291
Traffic Impact Fee	\$133,340	\$0	\$133,340
Parks SDC	\$96,760	\$855,000	(\$758,240)
Water SDC	\$120,419	\$0	\$120,419



**East Sub-Area  
Scenario 2**

Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$1,050,707	\$418,523	\$632,183
State Gas Tax	\$99,150	\$85,137	\$14,013
Sanitary Sewer	\$89,880	\$26,598	\$63,282
Storm Sewer	\$43,200	\$24,296	\$18,904
Water	\$549,240	\$214,920	\$334,320

One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
General Fund	\$632,183	\$0	\$632,183
State Gas Tax	\$14,013	\$108,900	(\$94,887)
Sanitary Sewer	\$2,503,800	\$575,400	\$1,928,400
Storm Sewer	\$520,000	\$0	\$520,000
Water	\$334,320	\$100,317	\$234,003
Traffic Impact Fee	\$2,350,400	\$2,500,000	(\$149,600)
Parks SDC	\$1,705,600	\$4,095,000	(\$2,389,400)
Water SDC	\$2,122,640	\$65,900	\$2,056,740

**East Sub-Area  
Scenario 3**

Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$641,478	\$286,864	\$354,614
State Gas Tax	\$60,868	\$59,265	\$1,603
Sanitary Sewer	\$53,142	\$16,328	\$36,814
Storm Sewer	\$25,542	\$14,915	\$10,627
Water	\$337,180	\$131,940	\$205,240

One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
General Fund	\$354,614	\$0	\$354,614
State Gas Tax	\$1,603	\$108,900	(\$107,297)
Sanitary Sewer	\$1,324,125	\$575,400	\$748,725
Storm Sewer	\$275,000	\$0	\$275,000
Water	\$205,240	\$61,593	\$143,647
Traffic Impact Fee	\$1,243,000	\$2,500,000	(\$1,257,000)
Parks SDC	\$902,000	\$2,497,500	(\$1,595,500)
Water SDC	\$1,122,550	\$65,900	\$1,056,650

### Assumptions

#### Streetlight Operating Costs

\$7 per light per month for streetlights in local streets

\$10 per light per month for streetlights in major collectors

#### Road Maintenance Assumptions

#### Frequency of Maintenance

##### *Scenario 1*

North	Cycle every 5 years
West	6
South	6
East	6

##### *Scenario 2*

North	Cycle every 4 years
West	4
South	4
East	4

##### *Scenario 3*

North	Cycle every 4.5 years
West	5
South	5
East	5

Source of information: City of Tigard Engineering Department

### CIP Assumptions:

Assumptions are that Bull Mountain Road, Beef Bend Road, 150<sup>th</sup> Avenue, Menlor Street and Sunrise Lane will have to be reconstructed and widened to collector standards. These improvements will be sometime in the next 20 years and are included in Scenarios 2 and 3, but not Scenario 1.

By Area:

#### North

Menlor Street – From existing pavement across ravine to Scholls Meadow #2 (2,500')

Sunrise Lane – North to existing paved area (1000')

150<sup>th</sup> Avenue – Bull Mountain Road to Sunrise Lane (1,150')

#### West

Bull Mountain Road –Beef Bend Road to 150<sup>th</sup> Avenue (3,450 ')

#### South

Beef Bend Road – 131<sup>st</sup> Avenue to 150<sup>th</sup> Avenue (5,085')

Bull Mountain Road – 150<sup>th</sup> Avenue to 133<sup>rd</sup> Avenue (4,122')

150 Avenue – Bull Mountain Road to Beef Bend Road (5,950')

Source of information: City of Tigard Engineering Department

## Appendix C

### Total All Areas General Fund

#### Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
Scenario 1	\$2,161,822	\$1,298,469	\$863,353
Scenario 2	\$3,806,006	\$2,260,681	\$1,545,325
Scenario 3	\$2,974,309	\$1,843,752	\$1,130,557

#### One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/ Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
Scenario 1	\$863,353	\$0	\$863,353
Scenario 2	\$1,545,325	\$267,200	\$1,278,125
Scenario 3	\$1,130,557	\$267,200	\$863,357

## Appendix C

### Total All Areas State Gas Tax Fund

#### Ongoing Operating Costs

Fund	Revenue	Operating Cost	Balance
Scenario 1	\$319,081	\$391,932	(\$72,851)
Scenario 2	\$535,816	\$628,011	(\$92,195)
Scenario 3	\$424,978	\$509,303	(\$84,325)

#### One-time Capital Costs

Fund	Fund Balance/ Capital Revenues	Capital Improvements	Balance
Scenario 1	(\$72,851)	\$0	(\$72,851)
Scenario 2	(\$92,195)	\$252,500	(\$344,695)
Scenario 3	(\$84,325)	\$252,500	(\$336,825)

## Appendix C

### Total All Areas Sanitary Sewer Fund

#### Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
Scenario 1	\$202,904	\$85,597	\$117,307
Scenario 2	\$361,318	\$143,739	\$217,579
Scenario 3	\$281,324	\$114,005	\$167,319

#### One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/ Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
Scenario 1	\$394,830	\$0	\$394,830
Scenario 2	\$5,486,693	\$1,510,100	\$3,976,593
Scenario 3	\$2,917,890	\$1,510,100	\$1,407,790

## Appendix C

### Total All Areas Storm Sewer Fund

#### Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
Scenario 1	\$97,524	\$78,188	\$19,336
Scenario 2	\$173,664	\$131,300	\$42,364
Scenario 3	\$135,216	\$104,134	\$31,082

#### One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/ Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
Scenario 1	\$82,000	\$0	\$82,000
Scenario 2	\$1,139,500	\$0	\$1,139,500
Scenario 3	\$606,000	\$0	\$606,000



## Appendix C

### Total All Areas Water Fund

#### Ongoing Operating Costs

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
Scenario 1	\$1,767,550	\$691,659	\$1,075,891
Scenario 2	\$2,968,150	\$1,161,450	\$1,806,700
Scenario 3	\$2,354,165	\$921,240	\$1,432,925

#### One-time Capital Costs

<b>Fund</b>	<b>Fund Balance/ Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
Scenario 1	\$1,075,891	\$322,854	\$753,037
Scenario 2	\$1,806,700	\$542,094	\$1,264,606
Scenario 3	\$1,432,925	\$429,996	\$1,002,929

## Appendix C

### Total All Areas Traffic Impact Fee Fund

#### One-time Capital Costs

Fund	Fund Balance/ Capital Revenues	Capital Improvements	Balance
Scenario 1	\$370,640	\$0	\$370,640
Scenario 2	\$5,150,540	\$12,718,600	(\$7,568,060)
Scenario 3	\$2,739,120	\$12,718,600	(\$9,979,480)

## Appendix C

### Total All Areas Parks SDC Fund

#### One-time Capital Costs

Fund	Fund Balance/ Capital Revenues	Capital Improvements	Balance
Scenario 1	\$268,960	\$13,105,000	(\$12,836,040)
Scenario 2	\$3,737,560	\$22,033,000	(\$18,295,440)
Scenario 3	\$1,987,680	\$17,482,500	(\$15,494,820)

**Total All Areas  
Water SDC Fund**

**One-time Capital Costs**

<b>Fund</b>	<b>Fund Balance/ Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
Scenario 1	\$334,724	\$0	\$334,724
Scenario 2	\$4,651,439	\$816,400	\$3,835,039
Scenario 3	\$2,473,692	\$816,400	\$1,657,292

**APPENDIX D:**

**ANNEXATION AND TAXATION:  
ESTIMATED PROPERTY TAX TABLE**

**AVAILABLE AS A SEPARATE ATTACHMENT  
ON THE CITY'S WEBSITE**

## Appendix E

### METHODS OF ANNEXATION PROVIDED BY ORS CHAPTER 222

Method:	Prior consent required?	Election requirement within City?	Election requirement within territory to be annexed?
<u>City Initiated</u> - By the legislative body of the City, on its own motion [ORS 222.111(2)] ( <i>requires public hearing and Ordinance which will set election and effective date upon passage</i> )	NO	NO ( <i>City charter does not require, but Council can send to election if desired</i> )  Subject to referendum	YES
<u>Owner Initiated</u> - By petition to the legislative body of the city by owners of real property in the territory to be annexed. [ORS 222.111(2)] ( <i>requires public hearing and Ordinance which will declare the territory annexed upon condition that a majority of votes cast in the territory being annexed favor annexation or as described in a, b or c below</i> )	YES	NO ( <i>City charter does not require, but Council can send to election if desired</i> )  Subject to referendum	YES ( <i>if prior consent of electors and land owners is not provided, as described in subsection a, b or c below, prior to action</i> )
a. <u>100% Owner and Majority of Electors</u> - by written consent to annexation by all the owners of land and not less than 50% of the electors, if any, in the territory [ORS 222.125]	YES	NO  Subject to referendum	NO
b. <u>Triple Majority</u> - by written consent to annex of more than half of the owners of land in the territory who also own more than half of the land in the territory and of real property therein representing more than half of the assessed value of all real property in the territory [ORS 222.170] (Triple majority discouraged because it may not be constitutional)	YES	NO  Subject to referendum	NO
c. <u>Double Majority</u> - by written consent of a majority of the electors in the territory along with the written consent of property owners of more than half the land area in the territory. [ORS 222.170(2)]	YES	NO  Subject to referendum	NO
<u>Island annexation</u> - When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore or a stream, bay, lake or other body of water, except when the territory not within a city is surrounded entirely by water. [ORS 222.750]	NO	NO ( <i>City charter does not require, but Council can send to election if desired</i> )  Subject to referendum	NO

**APPENDIX F:**

**BULL MOUNTAIN ANNEXATION QUESTION AND ANSWER PACKET  
ANSWERS TO THE JULY 2001 FOCUS GROUP QUESTIONS**

**AVAILABLE AS A SEPARATE ATTACHMENT  
ON THE CITY'S WEBSITE**

# **Residential Garbage Collection Rates for the Bull Mountain Study Area**

Cart Size	Washington County Monthly Urban Rates <sup>1</sup>	City of Tigard Monthly Rates <sup>2</sup>
Mini Cart (20 gallon) <sup>3</sup>	\$17.91	\$16.10
32 gallon	\$19.30	\$18.75
60 gallon	\$28.01	\$29.25
90 gallon	\$33.12	\$35.50

1. County rates as of June 1, 2001. Urban refers to collection within the metropolitan service district boundary.
2. City rates as of January 1, 2002
3. All rates include yard debris collection.
4. To be consistent with City requirements, curb rates (0-5' from curb) are used for both County and City.



Appendix D

July 1, 2001 - June 30 2002  
Estimated Property Tax for a House  
With an Assessed Value<sup>1</sup> of  
\$227,755

Taxing District	City of Tigard Tax Area 23.74		Unincorporated Washington County Tax Area 23.78		Increase or (Decrease) With Annexation		Unincorporated Washington County Tax Area 51.78		Increase or (Decrease) With Annexation	
	Rate	Amount	Rate	Amount	Rate	Amount	Rate	Amount	Rate	Amount
Schools										
Ed. Service Dist. - NW Regional	0.1538	\$35.03	0.1538	\$35.03	0.0000	\$0.00	0.1538	\$35.03	0.0000	\$0.00
Portland Community College	0.2828	\$64.41	0.2828	\$64.41	0.0000	\$0.00	0.2828	\$64.41	0.0000	\$0.00
Tigard School District - 23J <sup>2</sup>	5.9892	\$1,364.07	5.9892	\$1,364.07	0.0000	\$0.00	0.0000	\$0.00	0.0000	\$0.00
Beaverton School District - 48 <sup>2</sup>	0.0000	\$0.00	0.0000	\$0.00	0.0000	\$0.00	4.6930	\$1,068.85	0.0000	\$0.00
Total Education Taxes <sup>4</sup>	6.4258	\$1,463.51	6.4258	\$1,463.51	0.0000	\$0.00	5.1296	\$1,168.29	0.0000	\$0.00
General Government										
Washington County <sup>3</sup>	2.6957	\$613.96	2.6957	\$613.96	0.0000	\$0.00	2.6957	\$613.96	0.0000	\$0.00
Tualatin Valley Fire & Rescue <sup>3</sup>	1.7752	\$404.31	1.7752	\$404.31	0.0000	\$0.00	1.7752	\$404.31	0.0000	\$0.00
Port of Portland <sup>3</sup>	0.0701	\$15.97	0.0701	\$15.97	0.0000	\$0.00	0.0701	\$15.97	0.0000	\$0.00
City of Tigard <sup>3</sup>	2.5131	\$572.37	0.0000	\$0.00	2.5131	\$572.37	0.0000	\$0.00	2.5131	\$572.37
Metro <sup>3</sup>	0.0966	\$22.00	0.0966	\$22.00	0.0000	\$0.00	0.0966	\$22.00	0.0000	\$0.00
Washington County Enhanced Patrol	0.0000	\$0.00	1.0534	\$239.92	(1.0534)	(\$239.92)	1.0534	\$239.92	(1.0534)	(\$239.92)
Washington County Road Maintenance	0.0000	\$0.00	0.2456	\$55.94	(0.2456)	(\$55.94)	0.2456	\$55.94	(0.2456)	(\$55.94)
Wash. County Street Ligh t Assessment <sup>5</sup>		\$0.00		\$35.00		(\$35.00)		\$35.00		(\$35.00)
Total General Government	7.1507	\$1,628.61	5.9366	\$1,387.09	1.2141	\$241.52	5.9366	\$1,387.09	1.2141	\$241.52
General Obligation Bonds										
Washington County	0.2659	\$60.56	0.2659	\$60.56	0.0000	\$0.00	0.2659	\$60.56	0.0000	\$0.00
Portland Community College	0.2683	\$61.11	0.2683	\$61.11	0.0000	\$0.00	0.2683	\$61.11	0.0000	\$0.00
Tigard School District - 23J	1.0476	\$238.60	1.0476	\$238.60	0.0000	\$0.00	0.0000	\$0.00	0.0000	\$0.00
Beaverton School District - 48	0.0000	\$0.00	0.0000	\$0.00	0.0000	\$0.00	1.6736	\$381.17	0.0000	\$0.00
Tualatin Valley Fire & Rescue	0.0531	\$12.09	0.0531	\$12.09	0.0000	\$0.00	0.0531	\$12.09	0.0000	\$0.00
Port of Portland	0.0006	\$0.14	0.0006	\$0.14	0.0000	\$0.00	0.0006	\$0.14	0.0000	\$0.00
City of Tigard	0.0658	\$14.99	0.0000	\$0.00	0.0658	\$14.99	0.0000	\$0.00	0.0658	\$14.99
Metro	0.2273	\$51.77	0.2273	\$51.77	0.0000	\$0.00	0.2273	\$51.77	0.0000	\$0.00
Tri-Met	0.1372	\$31.25	0.1372	\$31.25	0.0000	\$0.00	0.1372	\$31.25	0.0000	\$0.00
Total General Obligation Bonds	2.0658	\$470.50	2.0000	\$455.51	0.0658	\$14.99	2.6260	\$598.08	0.0658	\$14.99
Grand Total	15.6423	\$3,562.61	14.3624	\$3,306.11	1.2799	\$256.50	13.6922	\$3,153.47	1.2799	\$256.50

Notes

1 Assessed Value no longer equals Market Value

2 Annexation to a city does not change the school district that serves the area

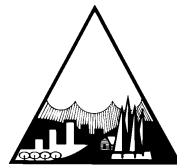
3 Permanent rate set by Measure 50

4 Education Taxes are limited by Measure 5 to no more than \$5 per \$1,000 of Real Market Value, but Measure 50 established permanent rates per \$1,000 of Assessed Value. The data presented is from the Washington County Assessors Office which is responsible for monitoring tax rates.

5 Those areas that are served by Street Lighting Districts pay for the cost of operating and maintaining the street lights. Washington County reports that the average annual assessment per household is \$35. Actual assessments will vary by district.

# **BULL MOUNTAIN ANNEXATION QUESTION AND ANSWER PACKET**

**ANSWERS TO THE JULY 2001 FOCUS GROUP QUESTIONS**



**CITY OF TIGARD  
NOVEMBER 27, 2001**

**BULL MOUNTAIN STUDY AREA:  
DRAFT ANSWERS TO THE FOCUS GROUP QUESTIONS**

**A. WASHINGTON COUNTY**

**1. What is the County's long-term outlook on services to this area if Tigard does not annex Bull Mountain?** *(Answer provided by Washington County and the City of Tigard)*

Washington County has no plans to change existing levels of County service to the area. If the annexation does not occur, service delivery would continue as it is. The County would continue to provide a basic level of service as it does countywide. Municipal-type services would be provided on a fee-for-service basis (building permits, street lighting, etc.) or through special service districts (Urban Road Maintenance District, Enhanced Sheriff's Patrol District, a possible future Park and Recreation District if voters set one up, etc.). The City of Tigard is continuing to provide some services such as planning, engineering, and building services in accordance with an intergovernmental agreement between Washington County and the City. This agreement is in effect for 5 years from the date it was executed (May, 1997) and may be renewed for an additional 5 years by mutual agreement. In addition, the agreement may be terminated by mutual agreement or by either party between the months of March 1 and July 1 of any year with 90 days written notice.

**2. What are the County's current responsibilities to Bull Mountain residents? What is the vision of the County (i.e., what the County sees as its main roles in the future, as it applies to its entire area of governance)?** *(Answer provided by Washington County and the City of Tigard)*

Washington County has indicated that it sees itself both as a provider and as a convener (one who convenes or brings together partners in a given situation) of services. The County covers 727 square miles, 85% of which is rural. The population is over 450,000 residents; 90% of them live within the Urban Growth Boundary (half in their 12 cities, half in the urban unincorporated areas). Services the County provides to everyone include public safety (the Sheriff's Department, the jail, parole and probation, Community Corrections, the court system, district attorneys, victims' services, etc.), the county-wide road system (including maintenance and new capital construction), Juvenile Services, Housing Services, Health and Human Services (health clinics, child and family welfare, public health, restaurant inspections, solid waste and recycling), Assessment and Taxation, marriage licenses, passports, animal shelter and adoption services, funding support for the county's 12 libraries (city-supported and otherwise. For example, Tigard receives 62% of its overall operating funds for the Tigard Library which serves a population of 53,519), Aging and Veterans Services, Consolidated Emergency Management and support for Citizen Participation Organizations. Washington County does all this with the second leanest per capita staff of any County in the State of Oregon.

According to Washington County, it cannot meet many more needs with current resources. Thus, the County strives for *efficiencies* in government, and also engage in broad

partnerships with the private and non-profit sectors. Currently, Washington County is engaged in a broad outreach effort called Vision West, which is bringing together the best minds in the County in areas ranging from education to health care, transportation, safety and the environment. Their on-going charge is to make sure public and private agencies converse and collaborate to improve the communities' future.

The specific services the County provides include:

- Roads - as part of the Urban Road Maintenance District (URMD), Bull Mountain property owners pay for and receive both County and URMD levels of maintenance to County and public roads in the area. County policy allocates available road maintenance funding with priority given to the major system (arterials and major collectors) throughout the County. Neighborhood roads (minor collectors and local streets) are the *lowest* priority, and as a result, have deteriorated relative to the major system over the years. The URMD is a special district that does provide road-related maintenance and repair on these minor collector, local and public roads in the urban unincorporated areas of Washington County. It provides a paved surface to fair or better conditions. The URMD also provides \$100,000 per year for the Neighborhood Streets Program.
- Law enforcement - Bull Mountain is part of the Enhanced Sheriff's Patrol District; thus its property owners pay for and receive both County and ESPD levels of law enforcement service. The County service level is .5 officers per 1000 and the ESPD provides an additional .5 officers per 1000 residents for a total of 1 per 1,000 residents.
- Building services and Planning - the County currently has an intergovernmental agreement with the City of Tigard, under which the City provides land development and building services to residents of Bull Mountain directly, saving them the trip to Hillsboro. The County adopted the City's Development Code for this area. This agreement is in effect for 5 years from the date it was executed (May, 1997) and may be renewed for an additional 5 years by mutual agreement. In addition, the agreement may be terminated by mutual agreement or by either party between the months of March 1 and July 1 of any year with 90 days written notice.
- Street lighting - not required, but usually built in by developers with payment organized under a Service District for Lighting. This annual fee is included on a property owner's property tax assessment. Assessment varies from \$32 to \$37 per year, on average. The assessment amount is determined by three factors: 1) the number of property owners in each district, 2) the number of lights in the district, and 3) the type of lights. The assessment covers the operation of the lights, and is provided by the County through a contract with PGE. PGE owns the lights and will continue to own them upon annexation.
- Library services - supported through the Washington County Cooperative Library Services (WCCLS) consortium. This is funded partially by County tax. The City of Tigard receives 62% of its overall operating funds for the Tigard Library from the WCCLS. Funding levels are determined by circulation, open hours, collection expenditures, etc.

- Park services – none.
- Fire protection - Bull Mountain residents receive fire protection directly from Tualatin Valley Fire and Rescue, to whom they pay a separate tax or assessment as part of their property taxes.
- Community organizations - the County provides basic support for the Citizen Participation Organizations. CPO 4B has represented Bull Mountain over the years; however, it is presently inactive.
- Code Compliance – compliance with standards found in the City of Tigard Development Code are enforced by the City of Tigard Code Compliance Officer as part of the intergovernmental agreement between the City of Tigard and Washington County. The County continues to regulate standards that are not covered in the City's Development Code including: solid waste, animal control, noxious vegetation, junk/cars and noise.

*(To see the difference between the County level of service and the level of service the City will provide if annexed, see table 3 in this document.)*

**3. Why did the County decide to be a County and not an urban/rural County that provides City services? How was the County 2000 vision created?** *(Answer provided by Washington County and City of Tigard)*

With approximately 200,000 County residents now living in urban unincorporated neighborhoods (outside cities), the demand on the County for neighborhood services has been steadily increasing. Planning for growth at the neighborhood level, traffic management, enhanced police patrol, local street maintenance and zoning enforcement are a few examples. These are the types of services that a city normally provides. Related to this is the issue of equity. City property owners pay City taxes to receive these local services, as well as County taxes for countywide programs. For years, County taxes paid by City property owners subsidized a portion of local services the County provided to urban unincorporated neighborhoods.

The subsidy issue was raised by Cities and this was corrected in 1986 when the Board of County Commissioners adopted *County 2000*, a long-term financial plan. Recognizing its financial limitations and the underlying theme that the County cannot be all things to all citizens, *County 2000* makes a distinction regarding the financing of traditional services that are of countywide benefit versus municipal-type services that benefit specific geographic areas. Updated in 1994, *County 2000* focuses general purpose tax dollars on services that benefit residents countywide, regardless of whether they live inside or outside cities or in the rural area.

The current *County 2000* plan is the result of a comprehensive public review process during which the County gathered extensive public feedback, suggestions and evaluations. Every Board since 1986, including the current one, has maintained a policy that cities will eventually provide neighborhood services to the entire urban unincorporated area, sometimes

in partnership with special districts like Tualatin Hills Park and Recreation District and Tualatin Valley Fire and Rescue.

The County has maintained a position of “aggressive neutrality” with regard to annexation, with practicality and resident interest driving the timeline. However, lack of annexation may significantly impact the infrastructure of affected communities, potentially resulting in a lesser quality of life. For this reason the County is also working closely with Metro, the cities and special districts in setting Urban Services boundaries, preparing for future annexations (Senate Bill 122). In 1997, the County entered into an intergovernmental agreement with the City of Tigard, turning over certain urban services including land development, building permits and some local road maintenance for the Bull Mountain area to the City. This agreement is in effect for 5 years from the date it was executed (May, 1997) and may be renewed for an additional 5 years by mutual agreement. In addition, the agreement may be terminated by mutual agreement or by either party between the months of March 1 and July 1 of any year with 90 days written notice.

**4. Explain how Senate Bill (SB) 122 relates to the annexation process.** *(Answer provided by Washington County and City of Tigard)*

In 1993 the state legislature passed Senate Bill 122, which requires the coordination and provision of urban services for lands within the urban growth boundary. It requires the collaboration of counties, cities and special districts to determine which jurisdiction will be responsible for the long-term provision of urban services (such as sanitary sewers, water, fire protection, parks, open space, recreation, streets/roads, and mass transit) to residents of unincorporated areas. The County, the CPOs and SB 122 Citizen Involvement Advisory Committees have been working with the cities of Beaverton, Tigard and Hillsboro for the past few years helping settle urban services boundary lines. The City of Tigard and Washington County have had an Urban Services Agreement in effect since 1997 that transfers land development and building permit responsibility to the City of Tigard. This agreement is in effect for 5 years from the date it was executed (May, 1997) and may be renewed for an additional 5 years by mutual agreement. In addition, the agreement may be terminated by mutual agreement or by either party between the months of March 1 and July 1 of any year with 90 days written notice.

**5. Who should residents talk to at the County about annexation and County service issues?** *(Answer provided by Washington County)*

If it is a question of policy, the appropriate contact is their County Commissioner Roy Rogers or County Chairman Tom Brian. Staff points of contact are Walt Peck, County Communications Officer, 593-846-2013, or Anne Madden, Sr. Program Educator, Department of Land Use and Transportation, 503-846-4963.

**6. If there is no parks department at the County, how does the County deal with park issues?** *(Answer provided by Washington County)*

The County parks effort is focused on Hagg Lake and Metzger Park. Hagg Lake is supported entirely by user fees and Metzger Park is supported 2/3 through a Local Improvement

District (LID) and 1/3 through user fees collected from the rental of Metzger Hall. The County owns other properties that are designated as parks but are not developed. The only park land that has been purchased in the Bull Mountain area is a portion of the Cache Creek site, however, there are no plans at this time for the County or City to develop it. Otherwise, all other park services in the County are provided by local park providers such as Tigard, THPRD, and Hillsboro. The remaining unincorporated areas receive no park services if they are not in the THPRD territory. Individuals living outside the THPRD district can pay a non-resident price to use THPRD facilities.

**7. What is the Washington County permanent tax rate?** *(Answer provided by Washington County)*

The County rate is \$2.2484 per \$1,000 of assessed valuation. It should be noted, however, that the permanent rate does not include special district assessments such as the URMD or ESPD. For a complete breakdown of assessments paid on property taxes, refer to Table 6 at the back of this document.

**8. How much money is now available for infrastructure under Washington County?** *(Answer provided by Washington County)*

The County does not have a dedicated amount of resources available for infrastructure improvements. Most large projects (such as the new jail) are funded through voter-approved bond measures. Other projects, such as transportation improvements, are funded through the discretionary distribution of property tax resources.

For sewer related capital improvement projects, Clean Water Services updates a five-year Capital Improvement Program (CIP) annually during the budget process. From this document, an annual construction program is developed and included in the annual budget. The Sanitary Sewer Construction Fund in the current FY 2002 budget includes more than \$52 million. Proposed treatment facility projects account for \$24 million; collection capital projects, \$23 million; and planning and support projects, nearly \$5 million.

However, the CIP generally supports the major sewer projects; a transportation analogy might be the funding of the State or County road system. As with improvements to the local street system, the local sanitary sewer system is generally funded by the adjacent (or directly benefited) property owners. As a result, most of the local sewer system is funded by development or through local improvement districts (LIDs). The District's Board recently adopted a revised LID ordinance that does provide financial incentives, under certain conditions, for the sanitary sewer projects.

**9. What local service levies (i.e., Washington County Enhanced Patrol) or LIDs do Bull Mountain residents pay for in addition to the current County tax rate? (Answer provided by Washington County)**

- The Urban Road Maintenance District (URMD); the URMD tax rate is \$.25 per thousand assessed valuation.

County policy allocates available road maintenance funding with priority given to the major system (arterials and major collectors). Neighborhood roads (minor collectors and local streets) are the *lowest* priority, and as a result had deteriorated relative to the major system over the years. The URMD is a special district that does provide road-related maintenance on these minor collector, local and public roads in the urban unincorporated areas of Washington County. District revenue is from a property tax that residents voted to assess themselves in 1994 and is unique to Washington County (as far as we know). Since formation of the URMD, neighborhood roads have improved. In 1997, Ballot Measure 50 passed, which made the URMD permanent.

- Enhanced Sheriff's Patrol District (ESPD); the ESPD tax rate is \$1.0534 per \$1,000 assessed valuation

The ESPD program began in 1988 and provides (approximately) an additional .5 officers per 1,000 residents. This is in addition to the County-wide provision of .5 officers per 1,000 residents.

- Service District for Lighting (SDL)

Property owners of urban unincorporated areas pay for their street lighting services (if they have street lights) through the SDL. The average charge is somewhere between \$32 and \$37 per year per property owner. The assessment amount is determined by three factors: 1) the number of property owners in each district, 2) the number of lights in the district, and 3) the type of lights. The assessment covers the operation of the lights, and it is provided by the County through a contract with PGE. (Source: Washington County)

**B. SEWER/WATER/STREETS**

**1. Will residents be forced to hook up to sewer or City water? If so, how much will it cost per household? If not, how can residents get access to City sewer or water, and how much will it cost to do so? (Answer provided by City of Tigard)**

Once sanitary sewer is available in proximity to a property, the property owner has the option to connect after paying the appropriate fees. There is no fee to be paid until property owners choose to connect to the sewer, and there is no obligation to connect to the sewer if property owners continue to use an existing septic system as it is now being used. Property owners may, however, be required to connect to sewer if there is a sewer reimbursement district and



they do work that requires a building or land use permit. For residential developments, any building permit for a new building or for an addition, modification, repair or alteration exceeding 25% of the value of the building will trigger the need to connect to sewer. They would also be required to connect to sewer if their septic system fails.

If the City chose to provide sewer service to fully developed subdivisions on septic, it would most likely be accomplished through a reimbursement district under the existing City program. The City would not be likely to propose a project unless there was an expectation that one-half of the owners would connect within three years. The City engineering staff estimated the cost of providing sewer service based on an existing subdivision in the Bull Mountain area. Based on this scenario, it is estimated that the cost would be approximately \$6,000 per household. Under current policy, property owners must connect to the sewer within three years from the time sewer becomes available to take advantage of any benefits of the Incentive Program. However, if a property owner is able to wait fifteen years after the district formation date to connect, there is no reimbursement fee (except for the connection fee that is currently \$2,407.50, which all property owners have to pay regardless of when they connect. This fee may increase over time.). In addition, the property owner is responsible for the cost to bring the sewer line from the main line to the residence.

Existing property owners on wells would not be required to connect to municipal water. For new developments, or in instances where property owners wish to connect to water, the property owner or developer would be required to pay for a water meter (price depends on the size of the meter required/needed) and, if needed, extension of the water main across the frontage of the property. Construction of a new well or to replace an existing well is determined on a case by case basis depending on many factors. For information on well placement or construction, contact the State Water Resources Department at 503-378-3739.

**2. Are any street improvements planned?** *(Answer provided by City of Tigard)*

The City of Tigard, in cooperation with Washington County has scheduled to make minor improvements to the Bull Mountain/Roshak Road intersection. Bull Mountain Road, Beef Bend Road, 150<sup>th</sup> Avenue, Menlor Street and Sunrise Lane have been identified as needing improvements (widening, resurfacing, etc.) to be brought up to collector standards in the future (within the next 20 years), however, they have not been incorporated into the City's or County's Capital Improvement Plan.

**C. DEVELOPMENT TRENDS**

**1. Will development trends on Bull Mountain change if annexed?** *(Answer provided by City of Tigard)*

The County developed its comprehensive plan for Bull Mountain in 1983. It established development standards which guided development. Tigard and Washington County have an Urban Planning Agreement that has been in effect since 1997, which gives Tigard the authority to review and approve land use applications, building permits and engineering permits. The area has been reviewed under the City's regulations since that time, while maintaining consistency with the County Comprehensive Plan standards for the area. When

the Urban Planning Agreement was developed, findings were made that indicate that “the City has functionally equivalent plan and zoning designations ...because of the historic coordination between the County and the City.” It is not anticipated, therefore, that there will be any change in the current development patterns as a result of an annexation. Should a property owner seek a change of land use designation to develop property in a way not allowed under the present zoning, the application would be reviewed and decided by the Tigard City Council in accordance with the City’s standards.

**2. Will the residents have a say in the vision for the Bull Mountain area? Will they get to decide how Bull Mountain should look?** *(Answer provided by City of Tigard)*

Yes, residents will have a say in the vision for the Bull Mountain area. Residents will have a say in who their representatives are by participating in the election process. If the Bull Mountain area is annexed into the City of Tigard, residents would have an opportunity to participate in any public process that would change plans for the area. However, the current zoning and development code standards will continue to apply and there are no plans for changes in the near future. If standards or zoning were desired to be changed at some later date, there would be notification to all affected property owners within 500 feet of a subject site and opportunities for public involvement at public hearings prior to any changes taking effect.

**3. Will they be forced to accept a more cityified look, such as sidewalks and street lights?** *(Answer provided by City of Tigard)*

Existing developments would not be forced to “upgrade” to a more urban look. New developments, however, are required to provide infrastructure (streets, sidewalks, lights, street trees, etc.) improvements. In addition, there may be opportunity through the City’s capital improvement program (CIP) process to make street improvements in areas needing them which would result in upgrades as well. The City’s annual CIP formulation process provides opportunities for citizen input through a wide variety of means including Citizen Involvement Team meetings, internet email, written correspondence, Planning Commission public hearing, and City Council public hearing prior to adoption of the CIP projects for implementation. Major streets such as Bull Mountain Road and Beef Bend Road may be widened at some point in the future to provide additional capacity and to accommodate alternative modes of travel (additional lanes, sidewalk on both sides, and bike lanes). Potential funding sources could be the Washington County Major Streets Transportation Improvement Program, the Countywide Traffic Impact Fee, or a bond issue that requires voter approval.

**4. Will adding Bull Mountain to the City of Tigard create a need for additional multi-family built-density areas on Bull Mountain or within the City of Tigard? (Metro 2040 Growth Plan)** *(Answer provided by City of Tigard)*

No. Both the City of Tigard and Washington County currently meet their target population goals by requiring development to build at no less than 80% of the maximum zoning allowed in that zone. The existing zoning, adopted by Washington County, in Bull Mountain will

continue to apply and new developments will continue to be required to build to minimum densities.

**5. Will zoning be changed because of annexation?** *(Answer provided by City of Tigard)*

No. The Urban Planning Agreement between the City and Washington County, and the City's development code, requires the City to apply the equivalent County zoning to land annexed into the City and not make any changes for at least one year. If, however, it is mutually agreed upon by both County and City Planning Directors at the time of annexation that the County designation is outdated, an amendment may be initiated before the 1 year period is over. There are no plans to change the zoning in this area. If zoning were desired to be changed at some later date, there would be notification to all affected property owners and opportunities for public involvement at public hearings prior to any changes taking effect. Notice would be provided to all property owners within 500 feet of a site specific land use proposal. In addition, public notice would be published in the local newspaper (usually in the Tigard Times).

**D. PARKS**

**1. Will annexation change the mindset of the City towards purchasing green space on Bull Mountain? Will Bull Mountain buy land for parks if annexed?** *(Answer provided by City of Tigard)*

Tigard has allocated Metro green spaces money to purchase land in the unincorporated area, but has not spent parks System Development Charges (SDC) generated by development in Tigard. The City's primary funding source for park improvements is the park SDC on new development. The park SDC is collected at the time a building permit is issued and is used solely for park acquisition or development. At present, the park SDC imposed on a single family house inside the City is \$1,600. Because the City lacks jurisdiction and Washington County doesn't charge a park SDC, a single family house constructed in the Bull Mountain area contributes no fees for parks. Tigard is designated as the area's future park provider, but currently has no funding source to improve parkland conditions outside the unincorporated area in Bull Mountain. Annexation would allow the City to begin collecting the park SDC on new development within the annexed area. From June 1997, when the City first began providing services in the Bull Mountain area, to August 2001, the City issued permits for 776 permits for single family and 56 multi-family housing units inside the Urban Services Area (Bull Mountain). Based upon the current City fee structure, had the City had authority to collect park SDCs during this period, approximately \$1.3 million in SDC revenues would have been collected and been available for park acquisition and development. Over the last 8 months (March to October 2001), 200 permits were issued with a potential \$328,000 of parks SDC funds going uncollected. The longer the area waits to annex, the more funds are lost and the less vacant land is available to begin to meet the area's park needs. In addition, property values are continuing to rise, making land all the more difficult to obtain.

The City's primary source of funding for park maintenance is the City General Fund. Property taxes paid by City property owners and businesses provide the revenue for the fund. The unincorporated area does not pay City property taxes.

Bull Mountain annexation would not necessarily provide immediate revenue for parks. As new development occurs over time, park SDCs would be collected which could be used for park acquisition and improvements within the area. Revenues collected from property taxes would be used for the on-going maintenance of park facilities throughout the City. At the time of annexation, the beginning SDC and maintenance fund balances would be zero, unless the City Council chooses to provide start up funding from City resources (the General Fund).

**2. What are the chances of Bull Mountain getting a park if it isn't annexed?** *(Answer provided by City of Tigard)*

County policy is that it does not provide park services within the area it governs and it does not charge a parks SDC. To date, the City Council has chosen not to invest limited City park dollars in providing park services in the unincorporated area. The City has applied some of its Metro greenspaces dollars to the Cache Creek property in the Bull Mountain area, as has Washington County. There are approximately 12 acres, but no development of the site using general fund dollars has been planned. Without additional funds, the City would not purchase additional park lands in the unincorporated area.

**3. Will the study select locations for parks on Bull Mountain? What is the likelihood of a park located on the spine of Bull Mountain?** *(Answer provided by City of Tigard)*

No, the scope of the study does not include selecting parks. However, in 1999, Tigard adopted a park system master plan that covered both the incorporated and Urban Services Areas. The plan identified future park needs and priority improvements. In the Bull Mountain Area, it identified the need for three neighborhood parks and one community park. An exception is that the City and County jointly acquired a 12-acre site on Bull Mountain for a nature park. The park is not open to the public at this time because the City does not have funds for park improvements and maintenance outside the City.

In general, buildable residentially zoned property is very expensive, particularly property with a view amenity, such as the spine of Bull Mountain. A portion of the powerline corridor is close to the Bull Mountain summit. The park master plan identifies the potential opportunity for a playfield and a regional pedestrian and bicycle trail within the powerline corridor, however there has been concern about developing within this corridor and no development would be planned until these concerns are addressed and development and maintenance funds secured.

## **E. LAW ENFORCEMENT**

**1. How will Law Enforcement service differ between County and City?** *(Answer provided by City of Tigard)*

The County currently provides .5 officers/1000 people county-wide and an additional .5 officers/1000 people in the ESPD (Enhanced Sheriff Patrol District); the City of Tigard provides 1.5 officers/1000 people. If the entire Bull Mountain area were annexed at its current population, the City would need 10 additional officers and 3 additional cars to serve

this area at the City's current service level. The City's average response time for Priority 1 calls is 3.5 minutes, for Priority 2 calls the average response time is 3.5 minutes and for Priority 3 calls the average response time is 6.5 minutes. Priority 1 calls are defined as calls involving threat of physical injury to life or property, Priority 2 calls are urgent, but not life and death matters (still dispatched immediately), and Priority 3 calls are routine calls, which must be dispatched within 15 minutes. Tigard Police continues to work under a mutual aid agreement with other jurisdictions which allows for Tigard to provide officers in another jurisdiction with aid when necessary and vice versa, however, this is generally for large scale need situations.

**2. How will the City provide service to the area, since annexing adds a lot more land and people to the police service district? *(Answer provided by City of Tigard)***

The City's police department will respond to calls originating in the Bull Mountain area. The level of service will be provided at the City's standard ratio; see #1. If the entire Bull Mountain area is annexed, the City will most likely create a new patrol district for the area. The City police department has indicated that they would want to locate a kiosk in the Bull Mountain area, with the annexation. The Chief of Police envisions the kiosk to be a small substation which would be used by patrol to make telephone calls, write reports, meet people, make computer queries, receive and give out information and to create a high visibility of a police presence in the area. It would not be staffed full time and would be used daily on an as needed basis by the officers. In the future, when the level of activity warrants it, they would like to have it staffed part-time.

**3. How will the proposed Washington County Police consolidation affect us: will it eliminate the benefit of annexing to the City in the Law Enforcement area? *(Answer provided by City of Tigard)***

It is unknown at this time how such a consolidation would affect law enforcement services in Washington County, if it occurred. There are numerous questions about such a consolidation, which include cost, service levels, local control and local identity, that have not been addressed. At this point, there are more questions than answers. To date, the study of consolidation of police services in Washington County has been promoted by the Washington County Police Officer's Association and a private citizen. Cities and the County have not suggested consolidation.

## **F. ANNEXATION PROCESS AND OPTIONS**

### **1. What is the process of annexation, and who votes on it? (Answer provided by City of Tigard)**

The following table identifies the methods of annexation available:

Table 1 - METHODS OF ANNEXATION PROVIDED BY ORS CHAPTER 222

<b>Method:</b>	<b>Prior consent required?</b>	<b>Election requirement within City?</b>	<b>Election requirement within territory to be annexed?</b>
<u>City Initiated</u> - By the legislative body of the City, on its own motion [ORS 222.111(2)] ( <i>requires public hearing and Ordinance which will set election and effective date upon passage</i> )	NO	NO ( <i>City charter does not require, but Council can send to election if desired</i> )  Subject to referendum	YES
<u>Owner Initiated</u> - By petition to the legislative body of the city by owners of real property in the territory to be annexed. [ORS 222.111(2)] ( <i>requires public hearing and Ordinance which will declare the territory annexed upon condition that a majority of votes cast in the territory being annexed favor annexation or as described in a, b or c below</i> )	YES	NO ( <i>City charter does not require, but Council can send to election if desired</i> )  Subject to referendum	YES ( <i>if prior consent of electors and land owners is not provided, as described in subsection a, b or c below, prior to action</i> )
a. <u>100% Owner and Majority of Electors</u> - by written consent to annexation by all the owners of land and not less than 50% of the electors, if any, in the territory [ORS 222.125]	YES	NO  Subject to referendum	NO
b. <u>Triple Majority</u> - by written consent to annex of more than half of the owners of land in the territory who also own more than half of the land in the territory and of real property therein representing more than half of the assessed value of all real property in the territory [ORS 222.170] (Triple majority discouraged because it may not be constitutional)	YES	NO  Subject to referendum	NO
c. <u>Double Majority</u> - by written consent of a majority of the electors in the territory along with the written consent of property owners of more than half the land area in the territory. [ORS 222.170(2)]	YES	NO  Subject to referendum	NO
<u>Island annexation</u> - When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore or a stream, bay, lake or other body of water, except when the territory not within a city is surrounded entirely by water. [ORS 222.750]	NO	NO ( <i>City charter does not require, but Council can send to election if desired</i> )  Subject to referendum	NO

**2. Can the City annex only part of Bull Mountain?** *(Answer provided by City of Tigard)*

Yes. A preliminary recommendation will be made by City Council on how best to approach a possible annexation. Among the options are full, partial, or no annexation. Whichever course is chosen will be further refined in an outreach plan if Council directs staff to pursue annexation. In addition, individual parcels meeting the established City standards (they must be adjacent to the City limits, they must be able to be accommodated by necessary services, etc. - see Comprehensive Plan policy 10.1.2), may submit an annexation application at any time.

**3. Can the area become its own city?** *(Answer provided by City of Tigard)*

ORS 221.020 and 221.031 allow for property owners to petition for incorporation of a city in an unincorporated area and sets forth the process. However, ORS 221.031 (4) states that when the area proposed to be incorporated lies within an urbanized area, the petition must be accompanied by a resolution approving the proposed incorporation by the city or cities whose proximity would otherwise prohibit incorporation. The City Council has not considered this issue.

**4. Is there the possibility of any other city annexing the area?** *(Answer provided by City of Tigard)*

No. The Bull Mountain area is in the Tigard's Urban Services Area, which means that this area has been identified by Washington County and the City of Tigard as being part of the City of Tigard in the future. The area was identified in an Urban Planning Agreement between the City of Tigard and Washington County which was signed in 1988. Both jurisdictions have adopted this as an Area of Interest in their comprehensive plans. The area south of Beef Bend, however, is in King City or its Urban Services Area.

**G. RIGHTS AND LAWS**

**1. How will property owner rights, laws, processes of law, and mediation differ between the current County standards and City standards?** *(Answer provided by City of Tigard)*

In general, land use regulations will be the same as now, since the City of Tigard administers land-use regulations in the area. Municipal code standards will replace County code requirements and enforcement will be ultimately in municipal court. While we can not provide an analysis of all issues in this document, below is a list of some common issues which explains the difference between the City standards and County standards:

Table 2 – Comparison of standards for Washington County and Tigard

Topic	County standards in Bull Mountain area	City standards in Bull Mountain area
Noise	No specific decibel level restrictions. Construction may not occur between 7pm and 7 am Monday-Saturday and not at all on Sundays or holidays. Between 7pm and 10pm no excessive people noises such as yelling, etc. After 10pm enforcement is at the sheriff officer's discretion.	Very Specific – decibel levels may not exceed 50db between the hours of 7am and 10pm or 40db between the hours of 10pm and 7am. Construction activity is prohibited between the hours of 9pm and 7am Monday through Friday, 9pm-8am Saturday, 9pm-9am on Sunday.
Tall grass and weeds	Complaint based- letter issued telling property owner to cut if nuisance exists	Complaint based- letter issued telling property owner to cut if nuisance exists
Livestock	Covered in City of Tigard Title 18 so there is no difference between City and County since the intergovernmental agreement between Washington County and the City of Tigard was signed in May, 1997.	“When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.” TDC table 18.510.1, foot note 6.
Abandoned/ inoperable Vehicles	On-street is enforced by Sheriff. Private property – can not have more than 5 vehicles stored unless they are in a structure or are driven in a 48 hour period.	On-street is enforced by the Police. Private property – can not have any in-operable vehicles stored (other than in a structure), however there is no limit on the number of vehicles stored as long as they are operable.
Home Occupations	<p>Covered in City of Tigard Title 18 so there is no difference between City and since the intergovernmental agreement between Washington County and the City of Tigard was signed in May, 1997. (Properties in the City are charged a lesser fee at this time because the URB fees represent 100% cost recovery whereas the City fees are partially subsidized by general fund dollars.)</p> <p>The Washington County standards are very similar to the City's except it must be renewed annually, allows a few more customers (up to 10, versus 6 in the City), and does not have a limit on the hours of operation (so businesses such as bed and breakfasts were allowed in the County but no new ones will be allowed under current City standards).</p>	<p>Anyone doing business out of the home must have a home occupation permit:</p> <p>Type I – no employees or customers – cost is \$175 in the URB (\$30 in the City), good for duration of business</p> <p>Type II – up to 1 employee or volunteer and 6 customers per day. Notice to property owners within 500 feet prior to decision. Cost is \$883 in the URB (\$545 in the City), good for duration of business.</p> <p>Note: additional regulations apply, see 18.742.</p>
Business Tax	None	Required to be paid yearly for anyone engaging in any business within the City of Tigard. Tax is based on the number of employees and ranges between \$55 per year for up to 10 employees to \$220 per year for 51 or more employees.
Accessory Structures	Covered in City of Tigard Title 18 so there is no difference between City and County since the intergovernmental agreement between Washington County and the City of Tigard was signed in May, 1997. The Washington County standard, however, is:	Detached accessory structures may not exceed 528 square feet on sites less than 2.5 acres or 1,000 square feet on sites larger than 2.5 acres. May not exceed 15 feet in height, may not be located in the front yard setback. Side or rear yard setbacks are 5 feet.



	Detached accessory structures may not exceed 600 square feet for lots up to 12,000 square feet, 5% of the total lot area for lots between 12,000 and 24,000 square feet and may not exceed 1,200 square feet for lots larger than 24,000 square feet. Special setbacks for structures for livestock or poultry. If greater than 120 square feet, setbacks of the underlying zone apply. If less than 120 square feet, side or rear yard setback is 3 feet.	
Tree Removal	Covered in City of Tigard Title 18 so there is no difference between City and County since the intergovernmental agreement between Washington County and the City of Tigard was signed in May, 1997. In addition, in certain areas in Bull Mountain, based on the Bull Mountain community plan, tree removal for development is limited to 50%.	Commercial forestry is prohibited. Commercial forestry is the removal of 10 or more trees per acre per calendar year, not associated with a development. Removal of less than 10 trees per acre per calendar year is permitted. If trees are removed as part of a development, a mitigation plan must be reviewed and approved.
Storage of RV's	May store 1 RV or boat on private property, however, it may not be occupied.	Can not be located on the street for more than 10 days per calendar year. May be stored on private property as long as it is outside of vision clearance areas. May not be occupied.
Animal Control	Washington County Animal Control regulates licenses, nuisances, removal of dead animals, etc	Washington County Animal Control regulates licenses, nuisances, removal of dead animals, etc

The above table is a **GENERAL** summary only, and it is strongly recommended that all property owners contact the City of Tigard and/or Washington County if there is a specific issue they would like information about. In instances where the City standards are more restrictive than the County standards, uses that were in existence and legally created prior to the Urban Services Agreement would be considered pre-existing non-conforming. A pre-existing legal non-conforming use may remain but may not be enlarged or expanded and may not be discontinued for more than 6 months without losing its non-conforming status.

## 2. How will the City's Development Code and Municipal Code affect the daily life of a Bull Mountain resident? *(Answer provided by City of Tigard)*

In most cases the answer is that it won't, since land-use issues are now reviewed under Tigard's land-use code standards. There are additional County code issues relative to home occupations, construction hours, and public rights-of-way, that will come into play when annexed, however, citizens will see little difference from what they see now. People are encouraged to evaluate individual differences between the two jurisdictions by reviewing the various standards themselves.

- 3. Will existing home businesses (specific example was a bed and breakfast) have to change the way they operate? Will they need to pay more for permits? How will annexation affect home businesses?** *(Answer provided by City of Tigard)*

The bed-and-breakfast operation will become a nonconforming use in Tigard. A pre-existing legal non-conforming use may remain but may not be enlarged or expanded and may not be discontinued for more than 6 months without losing its non-conforming status. The City will be considering regulations for bed-and-breakfasts in the future. Existing home businesses would be required pay an annual business tax.

Land-use permits are currently based on County fees, which are more than City fees. The City of Tigard is studying its fees, and they may change. All City home occupation standards now apply within the Urban Services Area with the exception of the existing County regulations that the City adopted, including prohibiting outside storage, distribution of materials or sales outside the home, and parking of a commercial vehicle as part of a home occupation, which are all part of the County code.

- 4. Currently, residents of Bull Mountain enjoy life as a rural community. Will annexation affect the current standards involving livestock, farmland, and rural atmosphere?** *(Answer provided by City of Tigard)*

The Tigard Development Code provisions related to livestock state that when an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or be provided use of a fenced run within 100' of any nearby residence, except a dwelling unit on the same lot. Existing conditions would remain nonconforming unless changed by development.

Regarding farmland and the area's rural character: Those areas considered for annexation are zoned for urban development at 5,000 sq-ft. lots. That is no different from Washington County. There are, however, many larger undeveloped lots that probably would still consider themselves "rural". These areas are most likely to be found in the eastern sub-area and found throughout portions of the southern sub-area. Please refer to the comparison provided in Table 2 above, that shows how some identified issues differ between the City and County. For specific issues, you will need to contact the City and/or County. There is no requirement for properties to develop, however, if land develops, it is required to be developed to the minimum density. The minimum density is calculated at 80% of the maximum. Washington County recently adopted similar standards.

## **H. OTHER QUESTIONS**

- 1. (Some) Bull Mountain residents like the County because the County has pretty much left them alone. Will the City continue this laissez-faire attitude?** *(Answer provided by City of Tigard)*

It was not clear what exactly was meant by this question since there are rules and regulations in the County that every resident must follow and if they are found to be in violation of a standard, appropriate action would be taken to bring them into compliance. The City of

Tigard does not go out “searching” for violators of land use and development standards, however, if a resident or property owner is found to be in violation of a standard (and is not a pre-existing non-conforming use) the City’s code compliance officer would work with them to bring them into compliance. Washington County and the City of Tigard have a variety of standards and regulations. Table 2, above, illustrates some of these differences. Both jurisdictions are complaint driven with regards to enforcement of regulations and standards.

**2. How will the City identify what the residents want before and after annexation?** *(Answer provided by City of Tigard)*

The City held a Focus Group meeting with Bull Mountain residents in July 2001; the questions in this document reflect residents’ queries at that meeting.

The issue of annexation is subject to Council direction. Based upon the direction Council decides on, public outreach will be determined.

**3. Does annexation affect school boundaries?** *(Answer provided by City of Tigard)*

No, school district boundaries for elementary, middle and high schools are determined by the school districts. In addition, there are two school districts: the Tigard-Tualatin School District and the Beaverton School District. The City is not a decision maker in the district or school boundary lines, however we do provide data, as requested, on the number of lots approved which helps each district in their school boundary decision making.

**4. What is the difference in service levels between the County and the City?**

The following table summarizes the level of service provided in the County and what will be provided by the City if the area were annexed.

**Table 3: Service Provision in the Bull Mountain Study Area**

<u>Service</u>	<u>Provider Today</u>	<u>Under Annexation</u>	<u>Change in Service upon annexation?</u>
Police	Washington County provides 1.0 officers/1000 people (.5 standard; .5 from Enhanced Patrol)	The City of Tigard would provide 1.5 officers/1000 people	Yes There would be an increase of approximately .5 officers/1000 people
Fire/Rescue	Tualatin Valley Fire & Rescue provides services.	Tualatin Valley Fire & Rescue continues to provide services.	No

Parks	Washington County does not provide parks services.	Tigard's Parks standard is 7.65 acres for every 1,000 residents. This includes Greenways, trails, open space and improved parks. Until parks could be provided in Bull Mountain, the City ratio would be approximately 6.74/1000.	Yes The City provides park services.
General Road Maintenance	<p>Washington County through the Urban Road Maintenance District. General street maintenance by the County is primarily on a complaint-driven basis. Typical maintenance activities include:</p> <ul style="list-style-type: none"> <li>• pothole patching</li> <li>• grading graveled roads</li> <li>• cleaning drainage facilities</li> <li>• street sweeping</li> <li>• mowing roadside grass and brush (only the shoulder strip)</li> <li>• maintaining traffic signals</li> <li>• replacing damaged signs</li> </ul>	<p>The City's road maintenance performs maintenance on regular schedules as well as on a complaint-driven basis. Typical maintenance activities include:</p> <ul style="list-style-type: none"> <li>• pothole patching</li> <li>• grading graveled roads</li> <li>• cleaning drainage facilities</li> <li>• street sweeping</li> <li>• mowing roadside grass and brush (shoulder strip + ditch line)</li> <li>• maintaining traffic signals</li> <li>• replacing damaged signs</li> <li>• installing and replacing street markings</li> <li>• crack sealing</li> <li>• vegetation removal for vision clearance</li> <li>• street light tree trimming for light clearance</li> <li>• dust abatement on graveled roads</li> </ul>	Yes The City provides additional road maintenance services.
Sanitary Sewer	Clean Water Services (CWS)	The City of Tigard will meet the same level of service as CWS. All service levels for CWS and surrounding jurisdictions must be uniform by July 2003.	No
Storm Sewer	Clean Water Services (CWS)	The City of Tigard will meet the same level of service as CWS. All service levels for CWS and surrounding jurisdictions must be uniform by July 2003.	No
Water	Intergovernmental Water Board contracts with the Tigard Water District to provide water.	Service remains the same. Tigard Water District will continue to provide water but will bill directly.	No

Street Light Maintenance	Washington County administers Service Districts for Lighting for PGE. Residents pay an annual operations and maintenance assessment.	The City of Tigard will assume all street light operations and maintenance for existing lights. Residents do not pay a separate assessment.	Service remains the same but property owners are not assessed for the operation of the lights.
Community Development and Building Services	<p>The City of Tigard provides building services—including land use decisions, building and engineering—under an intergovernmental agreement with Washington County.</p> <p>All land use decisions are reviewed under the City standards and through the City’s hearing process with the exception of legislative actions (zone changes, Comprehensive Plan amendments, etc.)</p>	<p>The City of Tigard will continue to provide building services to this area.</p> <p>All land use decisions will continue to be reviewed under the City standards and through the City’s hearing process. The City would be the review authority for legislative actions as well (zone changes, comprehensive plan amendments, etc).</p>	Only change in service is that the City reviews legislative matters.
Library	Washington County Cooperative Library Services (WCCLS) Consortium, which provides funding through the county tax to area libraries, including Tigard.	The City of Tigard, which receives approximately 62% of its funding through the WCCLS. Bull Mountain residents would have influence on the library’s services, and could advocate for the services they want.	No
Schools	Both the Beaverton School District and the Tigard School District provide service based on district boundaries.	Annexation does not change school district boundaries.	No
Garbage Collection	Residents are charged rates established by Washington County for service provided by Pride. Residents pay the fee depending on the size of container they use.	The City franchises City garbage collection, and the Bull Mountain area would become part of the franchised area. The service provider remains the same but residents would be charged the rates established by City Council based on the size of the container they use.	Service remains the same, but rates will differ. See Appendix G in main report for rates.

## **I. COST/BENEFIT ANALYSIS** *(Answers provided by City of Tigard)*

### **1. What is the difference between the Washington County permanent rate vs. City of Tigard permanent rate?**

The County rate is \$2.2484 per \$1,000 of assessed valuation. The City of Tigard's rate is \$2.5131. The County permanent rate pays for countywide services such as juvenile justice, jails, courts, social services, etc. The City permanent rate pays for local services such as police, parks, library, and a portion of land use planning and street maintenance services. Following annexation, Bull Mountain property owners, like all City of Tigard property owners, will pay both permanent rates. It should be noted that the permanent rate does not include special district assessments such as the Urban Road Maintenance District or Enhanced Sheriff Patrol District. Upon annexation, Bull Mountain property owners will not pay the special district assessments anymore. For a home assessed at \$227,775, this amounts to a difference of \$256.50 per year. Refer to Table 6 for a complete breakdown of property tax assessments.

### **2. How would annexation affect Tigard's "tax base" and tax rate?**

Since the passage of Measure 50, there are no longer any tax bases in the State of Oregon. Measure 50 eliminated tax bases in favor of permanent tax rates. Tigard's rate will not change as a result of annexation. Following annexation, the City permanent tax rate will be applied to assessed values in the newly annexed area, producing additional property tax revenue for the City to help pay for City services provided to those areas.

### **3. What would property taxes be if annexation happens?**

Property taxes will be based on Tigard's permanent rate and the total assessed value of your property. The tax rate is permanent. For a home assessed at \$227,755, annexation would increase taxes by approximately \$256.50 per year. See the attached Table 6 for a complete breakdown of all the assessments paid in the County and the City of Tigard. If the assessed value increases, the property tax paid will increase as well, however, it should be noted that a property's assessed value can only be raised a maximum of 3% per year.

### **4. Would there be any additional taxes beyond property taxes (such as existing local option taxes in Tigard)?**

Currently, the City of Tigard has one General Obligation Bond tax levy for construction of the Civic Center and transportation improvements. For a home assessed at \$227,755, it equates to approximately \$14.99 a year. The last year of this levy is FY 2002-03. Tigard does not have a Local Option Levy.

Bull Mountain property owners now pay the following taxes for general government services, and would continue to pay them under annexation: Washington County, Tualatin Valley Fire & Rescue, Port of Portland and Metro. Bull Mountain property owners (like Tigard property owners) now pay the following taxes to support General Obligation bonds,

and would continue to pay them under annexation: Washington County, Portland Community College, Tualatin Valley Fire & Rescue, Port of Portland, Metro and Tri-Met.

However, Bull Mountain property owners would cease paying the following taxes for general government services, as these services would be assumed by the City of Tigard: Washington County Enhanced Patrol, Washington County Road Maintenance and Street Lighting districts. For a home assessed at \$227,755, the net increase (after subtracting the special district assessments and adding in the City of Tigard permanent tax rate and one general obligation bond) in property taxes would be approximately \$256.50 a year.

**5. What potential local option taxes are on the horizon? (schools, roads, etc.)**

Tigard is considering placing a General Obligation Bond levy on the ballot in 2002 to build a new library. The size of the bond is currently under development, so the tax impact is not yet known. This information will be developed well in advance of the election.

The Tigard-Tualatin School District is also considering a General Obligation Bond levy to be referred to the voters in 2002. Annexation to the City does not affect school district boundaries, however, so annexation will not affect this levy. (Attendance boundaries for elementary, middle and high schools are set by the respective school district. Annexation has no impact on the attendance boundaries.)

The Washington County Cooperative Library Services (WCCLS) is considering going out for a local option levy in 2002, however, if this levy were approved it would be paid regardless of whether annexation occurred.

Other overlapping jurisdictions may also be considering bond levies or Local Option Levies, but the City has no information on these plans.

It should be noted that any decision on proposed bonds rests solely with the voters in the district to be served.

**6. How much additional revenue for Tigard would annexation generate? What would the additional revenue be at build-out?**

The table on the next page shows the Projected Revenues and Costs by Funds for Bull Mountain Area upon annexation with the existing population. Numbers in parentheses represent balance shortfalls.

**Table 4-A - Ongoing Operating Costs**

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$2,161,822	1,298,469	\$863,353
State Gas Tax	\$319,081	391,932	(\$72,851)
Sanitary Sewer	\$202,904	\$85,597	\$117,307
Storm Sewer	\$97,524	78,188	\$19,336
Water	\$1,767,550	691,659	\$1,075,891

**Table 4-B - One-time Capital Costs**

<b>Fund</b>	<b>Fund Balance/ Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
Traffic Impact Fee	\$370,640	0	\$370,640
Parks SDC	\$268,960	\$13,105,000	(\$12,836,040)
Water SDC	\$334,724	0	\$334,724

The next table shows the Projected Revenues and Costs by Funds for Bull Mountain Area at build-out which is 80% of the maximum buildable using vacant and re-developable land.

**Table 5-A - Ongoing Operating Costs**

<b>Fund</b>	<b>Revenue</b>	<b>Operating Cost</b>	<b>Balance</b>
General	\$3,806,006	\$2,260,681	\$1,545,325
State Gas Tax	\$535,816	\$628,011	(\$92,195)
Sanitary Sewer	\$361,318	\$143,739	\$217,579
Storm Sewer	\$173,664	\$131,300	\$42,364
Water	\$1,767,550	691,659	\$1,075,891



**Table 5-B - One-time Capital Costs**

<b>Fund</b>	<b>Fund Balance/ Capital Revenues</b>	<b>Capital Improvements</b>	<b>Balance</b>
Traffic Impact Fee	\$5,150,540	\$12,718,600	(\$7,568,060)
Parks SDC	\$3,737,560	\$22,033,000	(\$18,295,440)
Water SDC	\$4,651,439	\$816,400	\$3,835,039

**7. How is the annexation study being paid for?**

Funding for this study comes from the City's General Fund.

**8. How much money will be available for infrastructure under Tigard versus under Washington County?**

The Bull Mountain Study, prepared by the City of Tigard, identifies infrastructure needs for the entire area. Transportation and park improvements exceed revenue projections. At this point funding strategies have not been determined to address the infrastructure needs of the area.

**9. If annexation happens, how much of the Bull Mountain revenue stream will stay in the Bull Mountain area? How much will stay in Tigard, and where will it go?**

The City does not segregate revenues by geographic area. Revenues are used to provide needed services to all citizens. As part of the annexation study, the City is in the process of identifying those services needed in the Bull Mountain area, and if annexed, the City will provide services.

**10. By annexing, would the additional revenue coming to Tigard actually outweigh any additional costs to the City?**

The tables (4A, 4B, 5A and 5B) above show that, in some funds the City would have increase in revenue whereas in other funds the City would see a shortfall in order to provide the level of service currently provided to City of Tigard residents.

**11. Are there additional benefits (such as grants) that become available to the City of Tigard if they annex Bull Mountain that aren't available now? Are there any negative consequences to the City if they don't annex Bull Mountain?**

The Federal Government offers the Entitlement City Program to those cities with a population of at least 50,000. The program makes cities eligible for HUD grants. The 2000 Census shows Tigard's population as 41,223. If Bull Mountain is annexed, 7,268 current residents will be added, for a total of 48,491. If the Bull Mountain area is fully built out to the minimum density, the study projects an additional 5,637 residents. The City would be

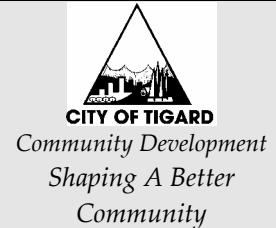
eligible for Entitlement City grants in the year it reaches 50,000 population, which depends on the area's rate of growth.

In addition to grants, certain state shared revenues (such as cigarette tax, liquor tax, state revenue sharing, and state gas tax) that are shared with cities based on formulas that include (among other factors) population. The share of these revenues to Tigard will increase with annexations.

The City currently provides some services to the Bull Mountain area under contract to Washington County. These services (such as land use permitting and building inspection) will probably continue to be provided as long as fees charged for these services continue to cover costs. However, Bull Mountain residents also use City of Tigard facilities for which they are not assessed; i.e., the library and parks. Growth in population in an un-annexed area, such as Bull Mountain, requires increasing levels of service from the City without a corresponding increase in funding. This can result in lower levels of service for all citizens, whether they live in un-annexed areas or within the City itself.

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## STAFF REPORT TO THE CITY COUNCIL FOR THE CITY OF TIGARD, OREGON



### SECTION I. APPLICATION SUMMARY

**FILE NAME:** BULL MOUNTAIN ANNEXATION PLAN  
**CASE NOS.:** Zone Change Annexation (ZCA)  
ZCA2003-00003, ZCA2003-00004,  
ZCA2003-00005, ZCA2003-00006

**APPLICANT:** City of Tigard  
13125 SW Hall Blvd.  
OR 97223

**OWNER:** Multiple owners. List is  
available for review at Tigard,  
City Hall.

**PROPOSAL:** The City of Tigard is proposing to annex 1,378 acres of Washington County known as Bull Mountain through the annexation plan process. State law ORS 195.205 allows the City to annex territory within an urban growth boundary (UGB) pursuant to a detailed annexation plan, subject to voter approval. If the Tigard City Council approves *The Bull Mountain Annexation Plan*, it could place the proposal on the March 9<sup>th</sup> ballot.

*The Bull Mountain Annexation Plan* proposal states that the City of Tigard can serve the Bull Mountain area without a significant reduction in service to Tigard residents. Due to size, the proposal divides the area into four subareas: East (276.95 acres), South (492.18 acres), North (357.35 acres), and West (251.23). To allow acquisition time for additional staff and equipment and maintain current service standards to City residents, the Plan proposes a three-phase approach: East, 2004; South, 2005; North and West, 2006.

### **CURRENT ZONING DESIGNATION:**

The area includes R-4.5 (Low-Density Residential District; minimum lot size 7,500 square feet), R-7 (Medium-Density Residential District; minimum lot size 5,000 square feet), R-12 (Medium-Density Residential District; minimum lot size 3,050 square feet) and R-25 (Medium High-Density Residential District; minimum lot size 1,480 square feet).

### **EQUIVALENT CITY ZONING**

**DESIGNATION:** R-4.5 (Low-Density Residential District; minimum lot size 7,500 square feet), R-7 (Medium-Density Residential District; minimum lot size 5,000 square feet), R-12 (Medium-Density Residential District; minimum lot size 3,050 square feet) and R-25 (Medium High-Density Residential District; minimum lot size 1,480 square feet).

**LOCATION:** The unincorporated area is within the UGB. It is generally bounded on the north by Barrows Road, on the east by Tigard City limits, on the south by Beef Bend Road, and on the west partially by 150th Avenue and near Roy Rogers Road. For specific boundary, see vicinity map.

**APPLICABLE  
REVIEW**

**CRITERIA:** ORS Chapters 195 and 222; Metro Code Chapter 3.09; Community Development Code Chapter 18, sections 18.320 and 18.390.

**SECTION II. STAFF RECOMMENDATION**

Staff recommends that the Council find that *The Bull Mountain Annexation Plan* proposal meets all the approval criteria as identified in ORS Chapters 195 and 222; Metro Code Chapter 3.09; Community Development Code Chapter 18, sections 18.320 and 18.390. Therefore, staff recommends **APPROVAL** of *The Bull Mountain Annexation Plan*.

**SECTION III. BACKGROUND INFORMATION**

Site Boundaries

*The Bull Mountain Annexation Plan* area consists of approximately 1,378 acres. Map 1 on p. 3 of *The Bull Mountain Annexation Plan* denotes the specific boundaries. Due to size, the proposal divides the area into four subareas: East (276.95 acres), South (492.18 acres), North (357.35 acres), and West (251.23). These subarea boundaries were based on development patterns, topography, and major roads.

Each subarea is generally located as follows: **East** - Generally located north of Beef Bend Road; east of the Mountain Gate subdivision; south of Bull Mountain Road including unincorporated parcels north of Bull Mountain Road; and west of Aspen Ridge and Helm Heights subdivisions. **South** - Generally located north of Beef Bend Road; east of SW 150th; south of Sunrise Lane extended east to, and including, the High Tor subdivisions, continuing south to Bull Mountain Road (including two parcels north of Bull Mountain Estates); and west of the Mountain Gate subdivision. **North** - Generally bounded by Barrows on the north to Kerron's Crest subdivision, continuing south to the southern boundary of Tuscany subdivision, continuing east and north to Roshack, following Roshack east, then following the boundaries of the Stanhurst and Wonderview subdivisions, continuing east until Sunrise Lane, heading east until a point just south of the Pacific Crest subdivision, continuing north, then along the east boundary of Hillshire Creek Estates, then north to the Bonneville Power Administration (BPA) easement to Barrows. Includes unincorporated Fern Street parcels. **West** - Generally bounded on the north beginning at the intersection of SW 150<sup>th</sup> Ave. and Sunrise Lane, continuing west along Sunrise Lane, following the boundaries of the Wonderview and Stanhurst subdivisions until Roshack, following Roshack northwest then south along the southerly boundary of the Heights subdivision, continuing west along the southerly boundary of Tuscany subdivision to its southwest corner, then continuing south to a point about 630 ft. west of Meyer's Farm subdivision; continuing east to SW 150th; continuing north along SW 150th to Sunrise Lane.

Site information and proposal description:

State law ORS195.205 allows the City to annex territory within an urban growth boundary pursuant to a detailed annexation plan. *The Bull Mountain Annexation Plan* proposes to annex 1,378 acres, which includes approximately 7,600 residents living in 2,600 homes. The Plan Area is located to the west of Tigard City Limits and within the Urban Growth Boundary. The Plan Area includes development at different densities, but single-family homes predominate.

*The Bull Mountain Annexation Plan* proposes to annex approximately 1,378 acres of land into the City of Tigard with an assessed value of \$605,857,310 (North: \$193,411,910; East: \$52,016,420; South: \$251,261,770; West: \$109,167,210). The Plan proposes a three-phased annexation, employing the following sequence: East, 2004; South, 2005; North and West, 2006.

Although there are other methods of annexation, the City chose the annexation plan method because it requires the creation of a long-term annexation strategy. The Tigard Urban Service Agreement (TUSA- Appendix B) names the City of Tigard as the ultimate service provider for the Plan Area, for most services. Without annexation, the City has limited ability to plan for, provide for, and manage growth outside its City limits to ensure that efficient and effective public facilities and services are available when needed. The TUSA contains a provision that the City shall endeavor to annex the Bull Mountain area in the near to mid-term (3 to 5 years). Lastly, if *The Bull Mountain Annexation Plan* is approved by the Council, ORS195.205 allows both the territory to be annexed and the annexing city to vote on the annexation plan proposal.

#### **SECTION IV. APPLICABLE REVIEW CRITERIA AND FINDINGS**

ORS Chapters 195 and 222; Metro Code Chapter 3.09; Community Development Code Chapter 18, sections 18.320 and 18.390.

##### **A. STATE LAW PROVISIONS**

###### **1. ORS195.205: Annexation by Provider**

Staff has determined that the proposal is consistent with state law ORS 195.205 based on the following findings:

195.205 Annexation by provider; prerequisites to vote; public hearing.

(1) A city or district that provides an urban service may annex territory under ORS 195.020, 195.060 to 195.085, 195.145 to 195.235, 197.005, 197.319, 197.320, 197.335 and 223.304 that:

(a) Is situated within an urban growth boundary; and

The proposed annexation territory addressed in *The Bull Mountain Annexation Plan* lies within the Portland Metropolitan Urban Growth Boundary in its entirety.

(b) Is contained within an annexation plan adopted pursuant to ORS 195.020, 195.060 to 195.085, 195.145 to 195.235, 197.005, 197.319, 197.320, 197.335 and 223.304.

The proposed annexation territory is contained in *The Bull Mountain Annexation Plan* (Map 1, p. 3). The Tigard City Council will consider for adoption the land-use application for the proposed *The Bull Mountain Annexation Plan* on December 2, 2003.

(2) A city or district may submit an annexation plan to a vote under subsection (5) of this section only if, prior to the submission of the annexation plan to a vote:

(a) The territory contained in the annexation plan is subject to urban service agreements among all appropriate counties and cities and the providers of urban services within the territory, as required by ORS 195.065 and 195.070, and:

(A) Such urban service agreements were in effect on November 4, 1993; or

(B) They expressly state that they may be relied upon as a prerequisite of the annexation method authorized by ORS 195.020, 195.060 to 195.085, 195.145 to 195.235, 197.005, 197.319, 197.320, 197.335 and 223.304; and

The Tigard Urban Service Agreement (TUSA) was signed in February 2003 (Appendix D of *The Bull Mountain Annexation Plan*). The City of Tigard and Washington County entered into this agreement with the following urban service providers: Clean Water Services, Tigard Water District, TriMet, Tualatin Hills Park and Recreation District, Tualatin Valley Fire and Rescue District, and Tualatin Valley Water District. The territory contained in *The Bull Mountain Annexation Plan* is subject to the TUSA (Map A of TUSA). The TUSA expressly states that the City may “develop an annexation plan or plans in reliance upon [the TUSA] in accordance with ORS 195.205 to .220” (TUSA, Section I.E., p. 3).

(b) The territory contained in the annexation plan is subject to an agreement between the city and county addressing fiscal impacts, if the annexation is by a city and will cause reductions in the county property tax revenues by operation of section 11b, Article XI of the Oregon Constitution.

The Bull Mountain Annexation Plan states that Section 11b, Article XI of the Oregon Constitution (commonly known as Measure 5) limits total non-school property tax rates to no more than \$10 per \$1,000 of assessed valuation (*The Bull Mountain Annexation Plan*, p. 18). If the tax rates of all non-school taxing jurisdictions exceed \$10 per \$1,000, the rates of each district are proportionately reduced to bring the total under the \$10 limit. This process is called compression.

The Bull Mountain Annexation Plan contains a map on p. 18 that shows the proposed Bull Mountain annexation area makes up the majority of tax code area 23.78 and 51.78. The government tax rate in both code areas for FY 2002-03 was \$5.8878 per \$1,000. The Bull Mountain Annexation Plan calculated that with tax rate adjustments in both codes due to the proposed annexation, the estimated resulting rate will be \$7.1318 per \$1,000. The Plan concluded that this rate is well below the \$10 Measure 5 cap and therefore compression is not likely to occur in the near future (*The Bull Mountain Annexation Plan*, p. 18). The Plan Area would continue to pay County taxes after annexation, as all Tigard areas do.

Therefore, The Bull Mountain Annexation Plan proposal demonstrated that the annexation of the proposed territory will not cause reductions in the county property tax revenues (compression). Therefore, no fiscal agreement between the City and the County is required.

(3) Prior to adopting an annexation plan, the governing body of a city or district shall hold a public hearing at which time interested persons may appear and be heard on the question of establishing the annexation plan.

The Tigard City Council will hold a public hearing on December 2, 2003, to consider the proposed The Bull Mountain Annexation Plan land-use application for adoption.

(4) The governing body of the city or district shall cause notice of the hearing to be published, once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city or district.

The City of Tigard submitted a notice for the December 2, 2003, public hearing to two newspapers of general circulation in the Tigard and Bull Mountain area. The notice was scheduled to be published on the following dates: November 20 and 27 in the *Tigard Times*, and November 18 and 25 in *The Oregonian*.

(5) If after the public hearing required under subsection (3) of this section, the governing body of the city or district decides to proceed with the annexation plan, it shall cause the annexation plan to be submitted to the electors of the city or district and to the electors of the territory proposed to be annexed under the annexation plan. The proposed annexation plan may be voted upon at a general election or at a special election to be held for that purpose. [1993 c.804 §13]

If the Tigard City Council approves The Bull Mountain Annexation Plan at the December 2, 2003, public hearing, it may choose to place the Plan on the March 9, 2004, ballot.

### **3. ORS 195.220: Annexation plan provisions.**

(1) An annexation plan adopted under ORS 195.205 shall include:

(a) The timing and sequence of annexation.

The Bull Mountain Annexation Plan dedicates Section IIC (beginning on p. 10) to examine the timing and sequence of annexation. Based on supporting analysis from the *Public Facilities and Assessment Report (Technical Document B)*, The Bull Mountain Annexation Plan concluded that 1) the annexation should be phased to allow time for acquisition of new staff and equipment; and 2) the annexation

should take place by 2005 to maximize Parks systems development charge (SDC) contributions, or have Washington County institute a Parks SDC in the interim of a longer annexation.

Based on these conclusions and a Council recommendation, *The Bull Mountain Annexation Plan* proposes a three-phase annexation (p. 12): 1. East, 2004. This area is the closest in proximity to the City and the least developed, and with the least service needs (according to the *Public Facilities and Assessment Report, Technical Document B*). By annexing prior to 2005, it maximizes potential financial contributions by new development toward parks capital improvements. 2. South, 2005; Adjacent to East. Annexing second allows additional acquisition time for equipment and staff. 3. West and North, 2006. Allows the City to develop its parkland.

*The Bull Mountain Annexation Plan* proposal addresses provision ORS195.220.1.a.

(b) Local standards of urban service availability required as a precondition of annexation.

ORS195 defines urban services as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit. The Bull Mountain Annexation Plan considers four additional services: police, storm sewer, building and development services, and street light maintenance. *The Bull Mountain Annexation Plan* addresses all of these urban services in Table 3 (p. 7) and identifies local standards of urban service availability.

*The Bull Mountain Annexation Plan* concludes in Section II.A. (p. 6) that all services except recreation are available to the Plan Area. All urban services providers are established, per the Tigard Urban Service Agreement (TUSA, Appendix B). *The Bull Mountain Annexation Plan* identifies two steps needed by the County to meet local standards prior to annexation: improve roads to a pavement condition index of 40 or greater, for an average of 75 or higher; institute parks system development charges (SDCs) for new development prior to annexation.

*The Bull Mountain Annexation Plan* proposal addresses ORS195.220.1.b.

(c) The planned schedule for providing urban services to the annexed territory.

The *Public Facilities and Assessment Report (Technical Document B)* applied City of Tigard service standards to the Bull Mountain subareas to evaluate the City's ability to serve the area upon annexation. It projected start-up costs, needs, and ability to serve the entire Bull Mountain area or individual areas upon annexation. The analysis was based upon current population and housing unit estimates, future service needs at build-out, and service standards. All departments – except for Public Works (Streets Division) and Police – concluded that they could absorb any or all subareas using current resources, and without significantly reducing services to existing residents. The Public Works – Street Division could not absorb more than one subarea at a time without existing resources, and the Police division could serve all areas upon annexation but with a reduction in Priority Three (lowest priority calls, no one in danger) calls.

Based on this analysis, *The Bull Mountain Annexation Plan* concluded that the City of Tigard can serve the Bull Mountain area without a significant reduction in service to Tigard residents (Section IIB, p. 10). To maintain these service standards, the Plan proposes the following (Table 4, p. 10): *The Bull Mountain Annexation Plan* states that those services transferring to Tigard, per the TUSA (Appendix B), would be transferred “upon annexation”: building and development services, parks and open spaces (Bull Mountain residents receive resident privileges at City parks), police, sanitary and storm sewer (provided by Tigard effective July 1, 2004), street light maintenance, and water. This is consistent with the TUSA. *The Bull Mountain Annexation Plan* also states that three services would have the following schedules: Road Quality and Maintenance, the transfer of which would be initiated within 30 days of annexation and serving the area within one year, as the TUSA allows; parks and open space capital project planning would be initiated within the first year, and the Comprehensive Plan update would be initiated within the first year.

*The Bull Mountain Annexation Plan* proposal addresses provision ORS195.220.1.c.

(d) The effects on existing urban services providers.

*The Bull Mountain Annexation Plan* quantified the effect on Washington County's services (Section IID, p. 14). *The Bull Mountain Annexation Plan* calculated how much the Enhanced Sheriff's Patrol District, Urban Road Maintenance District, gas tax, cable franchise fees would lose in revenues, and concluded that Washington County's services or the services of its special districts would not be significantly impacted by the annexation. *The Bull Mountain Annexation Plan* also quantified the effect on the Tigard Water District (TWD), and concluded that the TWD would lose 83% of current accounts and 48.6% of current annual revenue. However, it does not cause the district to dissolve, as it can continue to serve its remaining customers. *The Bull Mountain Annexation Plan* also concluded that other service providers would not be significantly impacted: There would be no effect on Tualatin Valley Fire and Rescue since it already serves the area; and the City is already scheduled to provide sanitary and storm sewer services on July 1, 2004, regardless of annexation, thus, the annexation is anticipated to have no effect on Clean Water Services.

*The Bull Mountain Annexation Plan* proposal addresses provision ORS195.220.1.d.

(e) The long-term benefits of the annexation plan.

*The Bull Mountain Annexation Plan* lists nine benefits of the Plan in Section IIE, pp. 17-18: certainty, efficiency, making a smooth transition, more capital improvement dollars, urban services by an urban provider, quantifying the costs and benefits, equity, parks and unifying the community.

*The Bull Mountain Annexation Plan* proposal addresses provision ORS195.220.1.e.

(2) An annexation plan shall be consistent with all applicable comprehensive plans. [1993 c.804 §16; 1997 c.541 §341]

Staff has determined that *The Bull Mountain Annexation Plan* is consistent with the relevant policies of the Comprehensive Plan based on the findings contained in Section IV.C. of this report.

**1. ORS222: City Boundary Changes; Mergers; Consolidations; Withdrawals.**

This chapter typically guides annexation decisions and the approval process. However, the City has selected an annexation method that is allowed by ORS 195. ORS 195.235 states that the method of annexing territory to cities or districts set forth in ORS 195.205 to 195.225 is in addition to and does not affect or prohibit other methods of annexation authorized by law. [1993 c.804 §18]195.235].

While ORS 222 does not apply to the current proposal, it also is not precluded by ORS195.

**B. METRO CODE STANDARDS**

Metro 3.09 requires additional standards to be addressed in annexation decisions, in addition to the local and state review standards. These are addressed and satisfied as discussed below:

**1. Metro Code 3.09.040 (a):** A petition for a boundary change shall be deemed complete if it includes the following information: (1) The jurisdiction of the approving entity to act on the petition; (2) A narrative, legal and graphical description of the affected territory in the form prescribed by the Metro Chief Operating Officer; (3) For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; (4) A listing of the present providers of urban services to the affected territory; (5) A listing of the proposed providers of urban services to the affected territory following the proposed boundary change; (6) The current tax assessed value of the affected territory; and (7) Any other information required by state or local law.



The City's land-use application for *The Bull Mountain Annexation Plan* includes all of the information required by Metro Code 3.09.040 (a) and has been deemed complete.

## **2. Metro Code 3.09.050 (b)**

(b) Not later than 15 days prior to the date set for a change decision, the approving entity shall make available to the public a report that addresses the criteria in subsections (d) and (g) below, and that includes at a minimum the following:

This report addresses Metro Code 3.09.50 (b) criteria. The report is available 15 days before the hearing (November 17, 2003, for a Dec. 2, 2003, hearing).

(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;

ORS195 defines urban services as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit. *The Bull Mountain Annexation Plan* considers four additional services: police, storm sewer, building and development services, and street light maintenance. *The Bull Mountain Annexation Plan* addresses all of these urban services in Table 3 (p. 7) and identifies local standards of urban service availability.

*The Bull Mountain Annexation Plan* concludes in Section II.A. (p. 6) that all services except recreation are available to the Plan Area. All urban services providers are established, per the Tigard Urban Service Agreement (TUSA, Appendix B). *The Bull Mountain Annexation Plan* identifies two steps needed by the County to meet local standards prior to annexation: improve roads to a pavement condition index of 40 or greater, for an average of 75 or higher; institute parks system development charges (SDCs) for new development prior to annexation.

*The Bull Mountain Annexation Plan* proposal addresses Metro Code 3.09.050 (b)1.

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

*The Bull Mountain Annexation Plan* proposal complies with the Tigard Urban Service Agreement (TUSA- Appendix B). The TUSA names the City of Tigard as the ultimate service provider for the Plan Area, except for services provided by special districts and agencies. *The Bull Mountain Annexation Plan* follows the terms for road transfer, initiating the transfer 30 days following annexation and completing the process within one year. *The Bull Mountain Annexation Plan* also complies with the provision that the City shall endeavor to annex the Bull Mountain area in the near to mid-term (3 to 5 years). All parties to the TUSA were notified of *The Bull Mountain Annexation Plan* proposal 45 days prior to the public hearing date.

*The Bull Mountain Annexation Plan* proposal addresses Metro Code 3.09.050 (b) 2.

(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;

The area is within the Urban Growth Boundary; therefore, regional plans and goals currently apply to this area. The annexation Plan Area is currently under the jurisdiction of Washington County, and is subject to the County's Comprehensive Plan policies. There are no specific applicable standards or criteria for boundary changes in the Regional Framework Plan or the Urban Growth Management Functional Plan. The regional policies listed in the Functional Plan recommend and require changes to city and county comprehensive plans and implementing ordinances, but do not apply directly to annexations.

Section IV.C. of this report addresses the City of Tigard Comprehensive Plan. For the basis of its analysis, *The Bull Mountain Annexation Plan* used the *Public Facilities and Assessment Report (Technical Document B)*.

Section 3.09.050 (b) 2, above, addresses urban planning agreements; the Tigard Urban Services Agreement (Appendix B) applies to the proposed annexation Plan Area .

*The Bull Mountain Annexation Plan* proposal addresses Metro Code 3.09.050 (b) 3.

(4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party;

The area remains within Washington County; however, implementation of *The Bull Mountain Annexation Plan* proposal would require the Plan Area territory to be withdrawn from the Tigard Water District.

and (5) The proposed effective date of the decision.

The public hearing will take place on December 2, 2003. If the Council adopts findings to approve *The Bull Mountain Annexation Plan*, the effective date of the decision approving the Plan would be determined by the ordinance.

### **3. Metro Code 3.09.050 (d)**

(d) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

The City Council may adopt the following facts and conclusions in its final decision:

(1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;

The previous sections of this report showed that the proposal is consistent with the Tigard Urban Service Agreement. The proposed annexation area is the same as *The Bull Mountain Annexation Plan* area.

(2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

*The Bull Mountain Annexation Plan* proposal complies with the Tigard Urban Service Agreement (TUSA- Appendix B). The TUSA names the City of Tigard as the ultimate service provider for the Plan Area, except for services provided by special districts and agencies. *The Bull Mountain Annexation Plan* follows the terms for road transfer, initiating the transfer 30 days following annexation and completing the process within one year. *The Bull Mountain Annexation Plan* also complies with the provision that the City shall endeavor to annex the Bull Mountain area in the near to mid-term (3 to 5 years). All parties to the agreement were notified of *The Bull Mountain Annexation Plan* proposal 45 days prior to the public hearing date.

(3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;

Section IV.C. of this report shows that *The Bull Mountain Annexation Plan* proposal is consistent with the Tigard Comprehensive Plan and applicable sections of the Community Development Code. For the basis of its analysis, *The Bull Mountain Annexation Plan* used the *Public Facilities and Assessment Report (Technical Document B)*. The report examined public facility plans for the Bull Mountain area to determine future capital improvement needs and their costs.

(4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

The area is within the Urban Growth Boundary; therefore, regional plans and goals currently apply to this area. The annexation Plan Area is currently under the jurisdiction of Washington County, and is subject to the County's Comprehensive Plan policies. There are no specific applicable standards or criteria for boundary changes in the Regional Framework Plan or the Urban Growth Management Functional Plan. The regional policies listed in the Functional Plan recommend and require changes to city and county comprehensive plans and implementing ordinances, but do not apply directly to annexations.

(5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

The Bull Mountain Annexation Plan proposal provides a phased annexation approach to provide a timely and orderly provision of public facilities and services without significantly reducing service standards to existing residents or causing a disruption in service provision. All providers have the ability to provide services to the area. This is consistent with the TUSA provisions for public facilities and services in the Plan Area .

(6) The territory lies within the Urban Growth Boundary; and

The entire proposed annexation territory area is already within the Portland Metro UGB.

(7) Consistency with other applicable criteria for the boundary change in question under state and local law.

This staff report finds that The Bull Mountain Annexation Plan proposal is consistent with ORS 195.205 and 195.220, the Tigard Community Development Code, and the Tigard Comprehensive Plan. The Oregon Dept. of Revenue has verified the boundary dimensions of the proposed annexation area.

**C. CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18) POLICIES**

Staff has determined that the proposal is consistent with the relevant portions of the Community Development Code based on the following findings:

**1. Section 18.320.020: Approval Criteria.**

A. Approval Process. Annexations shall be processed by means of a Type IV procedure, as governed by Chapter 18.390 using standards of approval contained in Subsection B2 below.

The Bull Mountain Annexation Plan application is being processed as a Type IV procedure.

B. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and

Section A.3 of this report concluded that The Bull Mountain Annexation Plan proposal shows that all services and facilities are available to the area and have sufficient capacity to provide service to the proposed annexation area.

2. The applicable Comprehensive Plan policies and implementing ordinance provisions have been satisfied.

Section IV.C. demonstrates how all applicable Comprehensive Plan policies have been satisfied by the City.

C. Assignment of comprehensive plan and zoning designations. The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County's comprehensive plan map and zoning designations to the City designations which are the most similar. A zone change is required if

the applicant requests a comprehensive plan map and/or zoning map designation other than the existing designations. (See Chapter 18.380). A request for a zone change can be processed concurrently with an annexation application or after the annexation has been approved.

Washington County previously adopted City of Tigard Comprehensive Plan and zoning designations for the area. Therefore no changes are required in the comprehensive plan and zoning designations for the Plan Area, as the current designations reflect City of Tigard designations.

D. Conversion table. Table 320.1 summarizes the conversion of the County's plan and zoning designations to City designations which are most similar.

Washington County has already adopted the City's zoning designations and the City will maintain these designations.

## **2. Section 18.390.060 Type IV Procedure**

Section 18.390.060 includes the decision-making considerations in a Type IV procedure. This report will address each of the five considerations.

**G. Decision-making considerations.** *The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:*

1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;

### **GOAL 1: CITIZEN INVOLVEMENT**

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

*The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.*

*The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues. Federal, state and regional agencies, and special- purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.*

### **Response:**

The City's existing Comprehensive Plan and implementing regulations are in compliance with Goal 1 by providing a comprehensive public process for development and application of all land use regulations. *The Bull Mountain Annexation Plan* does not alter those provisions and the City's regulations therefore remain in compliance with Goal 1.

In regard to *the Bull Mountain Annexation Plan* specifically, the City established opportunities for public involvement. The City established a communications plan prior to finalizing the Plan, submitting the land-use application and mailing of the public notice. To involve the public prior to the formal land-use process, the City established a Bull Mountain hotline and dedicated E-mail address on September 23, 2003, for comments and questions regarding the Plan. Notice of the public hearing was mailed to all CIT facilitators, the Washington County CPO coordinator, affected property owners, and surrounding property owners within 500 feet of the Plan Area . Notice of the public hearing was scheduled to be published in two newspapers of general circulation: *The Tigard Times* on November 20 and November 27, 2003; and *The Oregonian* on November 18 and November 25, 2003. The Plan Area has been posted in 13 locations since October 16, 2003.

There also will be a public hearing during the Type IV processing of this application and petition.

## GOAL 2: LAND USE PLANNING

### *PART I -- PLANNING*

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

*City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268. All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents and implementation ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units.*

*All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan.*

*Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.*

#### Response:

The City is currently in compliance with Goal 2 because it has an acknowledged Comprehensive Plan and regulations implementing the Plan. *The Bull Mountain Annexation Plan* is being processed consistently with the planning policies in the Comprehensive Plan.

## GOAL 3: AGRICULTURAL LANDS

*To preserve and maintain agricultural lands.*

#### Response:

The territory to be annexed does not include designated agricultural land, so this goal does not apply.

## GOAL 4: FOREST LANDS

*To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

#### Response:

The territory to be annexed does not include any designated forest lands, so this goal does not apply.

#### GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

*To protect natural resources and conserve scenic and historic areas and open spaces.*

*Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contribute to Oregon's livability. The following resources shall be inventoried:*

- a. Riparian corridors, including water and riparian areas and fish habitat;*
- b. Wetlands;*
- c. Wildlife Habitat;*
- d. Federal Wild and Scenic Rivers;*
- e. State Scenic Waterways;*
- f. Groundwater Resources;*
- g. Approved Oregon Recreation Trails;*
- h. Natural Areas;*
- i. Wilderness Areas;*
- j. Mineral and Aggregate Resources;*
- k. Energy sources;*
- l. Cultural areas.*

*Local governments and state agencies are encouraged to maintain current inventories of the following resources:*

- a. Historic Resources;*
- b. Open Space;*
- c. Scenic Views and Sites.*

*Following procedures, standards, and definitions contained in commission rules, local governments shall determine significant sites for inventoried resources and develop programs to achieve the goal.*

#### Response:

This Goal does not directly apply to annexations. The City is already in compliance with Goal 5 as to all required inventories. However, the City has been working with Metro, Washington County and other partners to identify regionally significant riparian and wildlife resources both in the City and on Bull Mountain, and to develop a program to enhance and protect those resources. *The Bull Mountain Annexation Plan* includes open space projects such as the Cache Creek Nature Park. (See Annexation Plan Table 4, p. 9.). As part of the City's Comprehensive Plan update process, the City would update the existing Comprehensive Plan and address this goal.

#### GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

*To maintain and improve the quality of the air, water and land resources of the state.*

*All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed*

*the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.*

Response:

This Goal does not directly apply to annexations. The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 6. Any development proposed after annexation would have to be approved under the City's implementing regulations.

GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

*To protect life and property from natural disasters and hazards.*

**A. NATURAL HAZARD PLANNING**

- 1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.*
- 2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.*

**B. RESPONSE TO NEW HAZARD INFORMATION**

- 1. New hazard inventory information provided by federal and state agencies shall be reviewed by the Department in consultation with affected state and local government representatives.*
- 2. After such consultation, the Department shall notify local governments if the new hazard information requires a local response.*
- 3. Local governments shall respond to new inventory information on natural hazards within 36 months after being notified by the Department of Land Conservation and Development, unless extended by the Department.*

**C. IMPLEMENTATION**

*Upon receiving notice from the Department, a local government shall:*

- 1. Evaluate the risk to people and property based on the new inventory information and an assessment of:*
  - a. the frequency, severity and location of the hazard;*
  - b. the effects of the hazard on existing and future development;*
  - c. the potential for development in the hazard area to increase the frequency and severity of the hazard; and*
  - d. the types and intensities of land uses to be allowed in the hazard area.*
- 2. Allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation and incorporate such information into the comprehensive plan, as necessary.*
- 3. Adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles:*
  - a. avoiding development in hazard areas where the risk to people and property cannot be mitigated; and*
  - b. prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code (ORS 455.447(1))*

*(a)(b)(c) and (e)), in identified hazard areas, where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner.*

*4. Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.*

#### **D. COORDINATION**

*1. In accordance with ORS 197.180 and Goal 2, state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information and technical assistance including development of model ordinances and risk evaluation methodologies.*

*2. Local governments and state agencies shall follow such procedures, standards and definitions as may be contained in statewide planning goals and commission rules in developing programs to achieve this goal.*

#### **Response:**

This Goal does not directly apply to annexations. The City's Comprehensive Plan is acknowledged to be in compliance with this Goal. The proposed annexation is consistent with Comprehensive Plan policies. Any development in the annexation Plan Area must follow the City's acknowledged implementing regulations relating to natural hazards. As part of the City's Comprehensive Plan update process, the City would update the existing Comprehensive Plan and address this goal.

#### **GOAL 8: RECREATIONAL NEEDS**

*To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

#### **RECREATION PLANNING**

*The requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. State and federal agency recreation plans shall be coordinated with local and regional recreational needs and plans.*

#### **DESTINATION RESORT SITING**

*Comprehensive plans may provide for the siting of destination resorts on rural lands subject to the provisions of the Goal and without a Goal 2 exception to Goals 3, 4, 11, or 14.*

#### **Response:**

This Goal does not directly apply to annexations. The Comprehensive Plan has been acknowledged to be consistent with Goal 8, and the proposed annexation is consistent with the Comprehensive Plan. The proposed *Bull Mountain Annexation Plan* includes Parks and Open



Space planning, which would be initiated within the first year as part of the Comprehensive Plan update. (See Annexation Plan Table 4, page 9.) The City's Comprehensive Plan update would address recreational needs.

The Destination Resort provisions of this Goal are not applicable.

#### GOAL 9: ECONOMIC DEVELOPMENT

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

*Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements. Comprehensive plans for urban areas shall:*

- 1. Include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends;*
- 2. Contain policies concerning the economic development opportunities in the community;*
- 3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies;*
- 4. Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses. In accordance with ORS 197.180 and Goal 2, state agencies that issue permits affecting land use shall identify in their coordination programs how they will coordinate permit issuance with other state agencies, cities and counties.*

#### Response:

This Goal does not directly apply to annexations. The Comprehensive Plan has been acknowledged to be consistent with Goal 9, and the annexation is consistent with Comprehensive Plan policies. As part of the City's Comprehensive Plan update process, the City would update the existing Comprehensive Plan and address this goal.

#### GOAL 10: HOUSING

*To provide for the housing needs of citizens of the state.*

*Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*

#### Response:

This Goal does not directly apply to annexations. The Comprehensive Plan has been acknowledged to be consistent with Goal 10, and the proposed annexation is consistent with Comprehensive Plan. The proposed annexation would bring 1,378 acres of residential land and

approximately 2,600 homes into the City. The Plan Area includes a diversity of residential zoning, from R-4.5 to R-25, offering housing at different densities. Washington County previously adopted City of Tigard Comprehensive Plan and zoning designations for the area. Therefore no changes are required in the comprehensive plan and zoning designations for the Plan Area, as the current designations reflect City of Tigard designations.

As part of the City's Comprehensive Plan update process, the City would update the existing Comprehensive Plan and address this goal.

#### GOAL 11: PUBLIC FACILITIES AND SERVICES

*To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

*Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan. Counties shall develop and adopt community public facility plans regulating facilities and services for certain unincorporated communities outside urban growth boundaries as specified by Commission rules. Counties Local Governments shall not allow the establishment or extension of new sewer systems outside urban growth boundaries or unincorporated community boundaries, or allow new extensions of sewer lines from within urban growth boundaries or unincorporated community boundaries to serve land outside those boundaries, except where the new or extended system is the only practicable alternative to mitigate a public health hazard and will not adversely affect farm or forest land.*

*For land that is outside urban growth boundaries and unincorporated community boundaries, county land use regulations shall not rely upon the establishment or extension of a water system to authorize a higher residential density than would be authorized without a water system.*

*Local governments shall not rely upon the presence, establishment, or extension of a water or sewer system to allow residential development of land outside urban growth boundaries or unincorporated community boundaries at a density higher than authorized without service from such a system.*

*In accordance with ORS 197.180 and Goal 2, state agencies that provide funding for transportation, water supply, sewage and solid waste facilities shall identify in their coordination programs how they will coordinate that funding with other state agencies and with the public facility plans of cities and counties.*

#### Response:

The Tigard Comprehensive Plan has been acknowledged to be consistent with Goal 11, and the proposed annexation is consistent with the Comprehensive Plan (see Section IV.C.).

ORS195 defines urban services as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit. The Bull Mountain Annexation Plan considers four additional services: police, storm sewer, building and development services, and street light maintenance. *The Bull Mountain Annexation Plan* addresses all of these urban services in Table 3 (p. 7) and identifies local standards of urban service availability.

*The Bull Mountain Annexation Plan* concludes in Section II.A. (p. 6) that all services except recreation are available to the Plan Area. All urban services providers are established, per the Tigard Urban Service Agreement (TUSA, Appendix B). The TUSA provides a plan for public services and facilities for the Bull Mountain area. *The Bull Mountain Annexation Plan* identifies two steps needed by the County to meet local standards prior to annexation: improve roads to a pavement condition index of 40 or greater, for an average of 75 or higher; institute parks system development charges (SDCs) for new development prior to annexation.

The *Public Facilities and Assessment Report (Technical Document B)* applied City of Tigard service standards to the Bull Mountain subareas to evaluate the City's ability to serve the area upon annexation. It projected start-up costs, needs, and ability to serve the entire Bull Mountain area or individual areas upon annexation. The analysis was based upon current population and housing unit estimates, future service needs at build-out, and service standards. All departments – except for Public Works (Streets Division) and Police – concluded that they could absorb any or all subareas using current resources, and without significantly reducing services to existing residents. The Public Works – Street Division could not absorb more than one subarea at a time without existing resources, and the Police division could serve all areas upon annexation but with a reduction in Priority Three (lowest priority calls, no one in danger) calls.

Based on this analysis, *The Bull Mountain Annexation Plan* concluded that the City of Tigard can serve the Bull Mountain area without a significant reduction in service to Tigard residents (Section IIB, p. 10). To maintain these service standards, the Plan proposes the following (Table 4, p. 10): *The Bull Mountain Annexation Plan* states that those services transferring to Tigard, per the TUSA (Appendix B), would be transferred “upon annexation”: building and development services, parks and open spaces (Bull Mountain residents receive resident privileges at City parks), police, sanitary and storm sewer (provided by Tigard effective July 1, 2004), street light maintenance, and water. This is consistent with the TUSA.

*The Bull Mountain Annexation Plan* also states that three services would have the following schedules: Road Quality and Maintenance, the transfer of which would be initiated within 30 days of annexation and serving the area within one year, as the TUSA allows; parks and open space capital project planning would be initiated within the first year, and the Comprehensive Plan update would be initiated. The City and other service providers who would continue to provide services after annexation have the capacity to provide services in the proposed annexation area, assuring a timely, orderly and efficient arrangement of public facilities and services. Those services would serve as a framework for urban development of Bull Mountain.

## GOAL 12: TRANSPORTATION

*To provide and encourage a safe, convenient and economic transportation system.*

*A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.*

Response:

This Goal does not directly apply to annexations. Under the Annexation Plan, the City would accept responsibility for the Bull Mountain area's streets and roads, with the transfer from County jurisdiction complete within one year of the annexation. (See Annexation Plan, pages 8 and 9.)

The Comprehensive Plan has been acknowledged to be consistent with Goal 12, and the proposed annexation is consistent with the Comprehensive Plan.

### GOAL 13: ENERGY CONSERVATION

*To conserve energy.*

*Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.*

#### Response:

This Goal does not directly apply to annexations. The Comprehensive Plan has been acknowledged to be consistent with Goal 13, and the proposed annexation is consistent with the Comprehensive Plan. Any development in the annexation area must satisfy the City's implementing regulations. As part of the City's Comprehensive Plan update process, which would be initiated after annexation, the City would update the existing Comprehensive Plan and address this goal.

### GOAL 14: URBANIZATION

*To provide for an orderly and efficient transition from rural to urban land use.*

*Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based upon considerations of the following factors:*

- (1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;*
- (2) Need for housing, employment opportunities, and livability;*
- (3) Orderly and economic provision for public facilities and services;*
- (4) Maximum efficiency of land uses within and on the fringe of the existing urban area;*
- (5) Environmental, energy, economic and social consequences;*
- (6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,*
- (7) Compatibility of the proposed urban uses with nearby agricultural activities.*

*The results of the above considerations shall be included in the comprehensive plan. In the case of a change of a boundary, a governing body proposing such change in the boundary separating urbanizable lands from rural land, shall follow the procedures and requirements as set forth in the Land Use Planning goal (Goal 2) for goal exceptions. Any urban growth boundary established prior to January 1, 1975, which includes rural lands that have not been built upon shall be reviewed by the governing body, utilizing the same factors applicable to the establishment or change of urban growth boundaries. Establishment and change of the boundaries shall be a cooperative process between a city and the county or counties that surround it. Land within the boundaries separating*

*urbanizable land from rural land shall be considered available over time for urban uses. Conversion of urbanizable land to urban uses shall be based on consideration of:*

- (1) Orderly, economic provision for public facilities and services;*
- (2) Availability of sufficient land for the various uses to insure choices in the market place;*
- (3) LCDC goals or the acknowledged comprehensive plan; and,*
- (4) Encouragement of development within urban areas before conversion of urbanizable areas. In unincorporated communities outside urban growth boundaries counties may approve uses, public facilities and services more intensive than allowed on rural lands by Goal 11 and 14, either by exception to those goals, or as provided by Commission rules which ensure such uses do not:*

- (1) adversely affect agricultural and forest operations, and*
- (2) interfere with the efficient functioning of urban growth boundaries.*

*Notwithstanding the other provisions of this goal, the commission may by rule provide that this goal does not prohibit the development and use of one single-family dwelling on a lot or parcel that:*

- (a) was lawfully created;*
- (b) lies outside any acknowledged urban growth boundary or unincorporated community boundary;*
- (c) is within an area for which an exception to Statewide Planning Goal 3 or 4 has been acknowledged; and*
- (d) is planned and zoned primarily for residential use.*

Response:

The Comprehensive Plan has been acknowledged to be consistent with Goal 14, and the annexation is consistent with the Comprehensive Plan (see Section IV.C).

The proposed annexation into the City is an important step in the orderly and efficient transition from rural to urban land use in the Bull Mountain area. State land-use planning goals require the UGB to contain a 20-year supply of land, and, when conditions warrant, lands within the boundary must be available for urban uses. Washington County and Bull Mountain residents developed the 1983 Bull Mountain Community Plan, which assigned urban densities to the area but did not provide for all urban services. However, Goal 14 directs local governments to have a plan in place to allow for an orderly and efficient transition from rural to urban uses. In 1983, the County and City signed the Urban Planning Area Agreement (UPAA). The UPAA established Bull Mountain as part of the City's planning area.

Over the last 20 years, the area has become urbanized with streets, sidewalks, and urban service needs. (See Annexation Plan Introduction, page 1.) The territory to be annexed is entirely inside the UGB. (See Map1, Annexation Plan, page 3.) The City and other service providers who would continue to provide services after annexation have the capacity to provide services in the proposed annexation area, based on the Tigard Urban Services Agreement (TUSA) (See Appendix D to the Annexation Plan.) The TUSA provides a plan for public services and facilities for the Bull Mountain area.

There are approximately 7,600 residents living in 2,600 homes on the mountain's 1,378 unincorporated acres. Development of the remaining land to existing zoning standards would raise the overall population to just under 10,000. This additional growth would require additional facilities and services. Without annexation, the City has limited ability to plan for, provide for, and manage

growth outside its City limits to ensure that efficient and effective public facilities and services are available when needed, as it cannot do comprehensive planning outside its City limits.

State law created the annexation plan process as a growth management tool for jurisdictions: the plan must address criteria related to urban service provision to the Plan Area, and is a pre-requisite for an annexation vote by the annexing city and Plan Area. Using existing service agreements among agencies, cost-benefit analyses, and the 2003 *Public Facilities and Services Assessment Report*, the Plan addresses all criteria set forth by state law ORS195: the provision (how and when) of urban services, annexation's impact on existing providers, the timing and sequence of annexation, and the Plan's long-term benefits. The Plan also follows Tigard Comprehensive Plan policies, which require a review to determine that services can be provided to the annexed area and their provision would not significantly reduce service levels to the City of Tigard. Based on these criteria and previous research, the Plan provides a proposal for transferring services and households to Tigard in an organized and efficient manner. *The Bull Mountain Annexation Plan* would complete the last phase in the Goal 14 urbanization process by providing urban services to areas built at urban densities.

#### GOAL 15: WILLAMETTE RIVER GREENWAY

*To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

##### Response:

This Goal is not applicable to this proposed annexation because the area being annexed is not within the Willamette River Greenway area.

#### GOAL 16: ESTUARINE RESOURCES

*To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.*

##### Response:

This Goal is not applicable to this proposed annexation because the area to be annexed is not in or near an estuary.

#### GOAL 17: COASTAL SHORELANDS

*To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.*

##### Response:

This Goal is not applicable to this proposed annexation because the area to be annexed is not in or near a coastal shoreland.

## GOAL 18: BEACHES AND DUNES

*To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.*

### Response:

This Goal is not applicable to this proposed annexation because the area being annexed is not within a coastal beach or dune area.

## GOAL 19: OCEAN RESOURCES

*To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.*

### Response:

This Goal is not applicable to this proposed annexation because it is not in or near the ocean.

### **2. Section 18.390.060 Type IV Procedure**

**G. Decision-making considerations.** 2. Any federal or state statutes or regulations found applicable;  
*The Bull Mountain Annexation Plan meets state statute ORS 195.205 and .220, as detailed in Section IV.A of this report. No federal statutes apply to annexations.*

### **2. Section 18.390.060 Type IV Procedure**

**G. Decision-making considerations.** 3. Any applicable METRO regulations;  
*The Bull Mountain Annexation Plan meets Metro Code Chapter 3.09 provisions, as detailed in Section IV.B of this report.*

### **2. Section 18.390.060 Type IV Procedure**

**G. Decision-making considerations.** 4. Any applicable comprehensive plan policies;

**1. Policy 2.1.1: The City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.**

This policy requires an ongoing citizen involvement program. Notice of the public hearing was mailed to all CIT facilitators, the Washington County CPO coordinator, affected property owners, and surrounding property owners within 500 feet of the Plan Area. Notice of the public hearing was scheduled to be published in two newspapers of general circulation: The *Tigard Times* on November 20 and November 27, 2003; and *The Oregonian* on November 18 and November 25, 2003. The Plan Area has been posted in 13 locations since October 16, 2003.

The City established a communications plan prior to finalizing the Plan, submitting the land-use application and mailing of the public notice. To involve the public prior to the formal land-use process, the City established a Bull Mountain hotline and dedicated E-mail address on September 23, 2003, for comments and questions regarding the Plan.

*The Bull Mountain Annexation Plan meets policy 2.1.1.*

### **2. Policy 10.1.1: Prior to the annexation of land to the City of Tigard.**

- a) **The City shall review each of the following services as to adequate capacity, or such services to be made available, to serve the parcel if developed to the most intense use allowed\* (most**

intense use allowed by the conditions of approval, the zone or the Comprehensive Plan), and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard. The services are:

1. Water
2. Sewer
3. Drainage
4. Streets
5. Police, and
6. Fire Protection.

This policy requires that there is adequate capacity to serve the annexed parcels if developed to the most intense use allowed, and without significantly reducing the level of services available to the existing City.

*The Bull Mountain Annexation Plan* proposal addresses all six services above. The City has reviewed these six services, along with additional urban services to be provided to the area (*The Bull Mountain Annexation Plan*, Table 3). Currently, all urban services are available to the Plan Area except for parks and recreation. Upon annexation, *The Bull Mountain Annexation Plan* proposal states that all urban services – including parks and open space – would continue to be available to the Plan Area, per the Tigard Urban Service Agreement (TUSA-2003) with all providers.

*The Bull Mountain Annexation Plan* proposal also states that the City of Tigard can serve the Bull Mountain area without a significant reduction in service to Tigard residents. It proposes a three-phase approach over three years to allow acquisition time for additional staff and equipment prior to each annexation, in order to maintain current service standards to City residents. The Plan based its conclusions upon City projections of start-up costs and service needs for the total number of estimated homes and population in 2015. It assumed residential designations, which is the current zoning, and its accordant growth to reach the most intense use standard.

All current and future service providers for this area received notice of *The Bull Mountain Annexation Plan* proposal, as well as parties to the Tigard Urban Service Agreement, which includes the City of Tigard Police, Engineering, Public Works and Water Departments, Tigard Water District, Metro Area Communications, NW Natural Gas, AT&T Cable, TriMet, PGE, Verizon, Qwest, Comcast Cable, the Beaverton School District, the Tigard-Tualatin School District, Tualatin Valley Water District, Tualatin Hills Park and Recreation District, Clean Water Services, and Tualatin Valley Fire and Rescue. None of the providers offered objections or indicated that there would be a lack of service capacity for this proposal.

*The Bull Mountain Annexation Plan* complies with Policy 10.1.1. (a).

### **3. Policy 10.1.1 (b):**

If required by an adopted capital improvements program ordinance, the applicant shall sign and record with Washington County a nonremonstrance agreement regarding the following:

1. The formation of a local improvement district (L.I.D.) for any of the following services that could be provided through such a district. The extension or improvement of the following: a) Water, b) sewer, c) drainage, and d) streets.
2. The formation of a special district for any of the above services or the inclusion of the property into a special service district for any of the above services.

This criterion does not apply: No capital improvements program requires a nonremonstrance agreement under these circumstances.

### **4. Policy 10.1.1. (c)**



The City shall provide urban services to areas within the Tigard Urban Planning Area or within the Urban Growth Boundary upon annexation.

Under *The Bull Mountain Annexation Plan* proposal, the City would provide urban services to the Plan Area upon annexation. This is consistent with the Tigard Urban Services Agreement (TUSA-2003, Appendix D). All services would be provided upon annexation, and the majority would be provided immediately. The proposal states that the City would initiate transfer of roads and streets within 30 days of annexation, serving each subarea within one year of the effective annexation date. Following annexation, Tigard would initiate capital project planning for Parks and Open Space for the Plan Area. The planning would take place as part of the City's Comprehensive Plan update process, which would be initiated after annexation.

*The Bull Mountain Annexation Plan* complies with Policy 10.1.1. (c).

**5. Policy 10.1.2 Approval of proposed annexations of land by the City shall be based on findings with respect to the following:**

a) The annexation eliminates an existing "pocket" or "island" of unincorporated territory.

The City's map shows that the annexation of the north subarea would eliminate three islands of unincorporated territory (Map 1, p. 3). *The Bull Mountain Annexation Plan* complies with Policy 10.1.2. (a).

b) The annexation will not create an irregular boundary that makes it difficult for the police in an emergency situation to determine whether the parcel is within or outside the City

*The Bull Mountain Annexation Plan* proposes a three-phase annexation, beginning from the East area (the area closest to the City) and continues west. It does not skip over areas or create irregular boundaries. Currently, there are several irregular boundaries with the City limits due to individual annexations. *The Bull Mountain Annexation Plan* would remove those irregular boundaries. In addition, the subarea boundaries are clearly delineated to reduce confusion. *The Bull Mountain Annexation Plan* complies with Policy 10.1.2. (b).

c) The Police Department has commented upon the annexation.

The Police Department contributed its analysis to *The Bull Mountain Annexation Plan*, concluding that it could absorb any or all subareas using current resources, and without significantly reducing services to existing residents. *The Bull Mountain Annexation Plan* complies with Policy 10.1.2. (c).

d) The land is located within the Tigard Urban Planning Area and is contiguous to the city boundary

The Plan Area is located within the Tigard Urban Service Area, per *The Bull Mountain Annexation Plan* and verified by the Tigard Urban Service Agreement (TUSA-Appendix D, Map A). With the three-phase annexation, each subarea is contiguous to the City limits at the time of annexation. *The Bull Mountain Annexation Plan* complies with Policy 10.1.2. (d).

e) The annexation can be accommodated by the services listed in 10.1.1 (A)

The *Bull Mountain Annexation Plan* states that all urban services are available and would be provided to the Plan Area, per the Tigard Urban Service Agreement (TUSA-2003). Water, sewer, drainage, streets, police, and fire protection would all be provided upon annexation, and street maintenance would be initiated 30 days following annexation and completed within one year. The Plan proposes a three-phase approach over three years to allow acquisition time for additional staff and equipment prior to each annexation, in order to maintain current service standards to City residents.

*The Bull Mountain Annexation Plan* complies with Policy 10.1.2. (e).

*The Bull Mountain Annexation Plan* proposal complies with Policy 10.1.2.

**6. Policy 10.1.3**

Upon annexation of land into the City which carries a Washington County Zoning Designation, the City

of Tigard shall assign the City of Tigard zoning district designation which most closely conforms to the County zoning designation.

Washington County previously adopted City of Tigard Comprehensive Plan and zoning designations for the area. Because the proposed annexation territory is in the Urban Services Area, the equivalent zoning has already been attached to the property, therefore, the property does not need to be rezoned upon annexation. Therefore no changes are required in the comprehensive plan and zoning designations for the Plan Area, as the current designations reflect City of Tigard designations.

*The Bull Mountain Annexation Plan* proposal complies with Policy 10.1.3.

## **2. Section 18.390.060 Type IV Procedure**

**G. Decision-making considerations.** 5. Any applicable provisions of the City's implementing ordinances.

There are no specific implementing ordinances that apply to *The Bull Mountain Annexation Plan*.

## **SECTION V. OTHER STAFF COMMENTS**

The City of Tigard Engineering, Building, Police Department, Tualatin Valley Fire and Rescue, Public Works, and the Water Department have all received this proposal and have offered no objections to the annexation proposal.

## **SECTION VI. AGENCY COMMENTS**

Metro Area Communications, NW Natural Gas, AT&T Cable, Tri-Met, PGE, Verizon, Qwest, Comcast Cable, the Beaverton School District, the Tigard Tualatin School District, Tualatin Valley Water District, and the Tualatin Valley Fire and Rescue all received the annexation request and did not object to the proposal. The US Army Corps of Engineers indicated that acres of buildable land should not include areas of wetlands or streams. The capacity estimates did not include those areas. The Tigard-Tualatin School District emphasized that the annexation proposal would not affect school district boundaries. TriMet indicated that annexation does not change the difficulty of providing public transit to this area due to low densities and street patterns.

**BASED ON THE FINDINGS INDICATED ABOVE, PLANNING STAFF RECOMMENDS APPROVAL OF ZONE CHANGE ANNEXATION (ZCA) 2003-00003, 2003-00004, 2003-00005, 2003-00006 – BULL MOUNTAIN ANNEXATION PLAN.**

\_\_\_\_\_  
PREPARED BY: Beth St. Amand  
Assistant Planner

\_\_\_\_\_  
November 21, 2003  
DATE

\_\_\_\_\_  
APPROVED BY: Barbara Shields  
Long-Range Planning Manager

\_\_\_\_\_  
November 21, 2003  
DATE

**Bull Mountain Annexation Plan Comment Log**  
**Summary of Public Comments and Responses on Annexation Plan**  
11/18/2003

No.	Where/Who	Source	Received by:	Date	Summary of Comment (letters in entirety located behind log)	Response	Response given?
1	Julie Russell	phone	Jerree Gaynor	9-19-03	Wants to host a coffee talk for approximately 50 home owners in Arlington Heights neighborhood	Jerree informed her that she will be contacted once the coffee talks are scheduled.	Yes
2					Also received a forwarded e-mail originally sent to Roy Rogers. The questions in the e-mail have not been responded to because they were not directed to us and they are based on the 2001 study and not current data. She will be mailed a copy of the annexation plan and a coffee talk will be scheduled with her to address additional questions she may have.		See logged comments 14-23
3	Mike Merrick	e-mail	Council members	9/23/03	Concern that Tigard continues to allow development on Bull Mountain without considering park space.	Tigard reviews development proposals on Bull Mountain as part of an intergovernmental agreement (IGA) with the County, however the area is still under County jurisdiction. County regulations do not provide for park land or open space as a precondition of development. In addition, the County does not provide park services.	Yes 9/30
4	"	"	"	"	Tigard more than willing to help developers "carve up" Bull Mountain with little interest in providing parks	Please see response above	Yes 9/30
5	"	"	"	"	Gooley property, which just want on market (6 acres) may offer potential solutions to traffic solutions needed by proposed developments. Want Planning to postpone approving more development in the area of the Conklin property until the impact and potential of the sale of the Gooley property can be evaluated	By law, once an application has been submitted, the City must review it for completeness within 30 days. From the date an application is deemed complete, the City must provide a decision (including time for all local appeals) within 120 days. The City, therefore, can not postpone approving development applications that have been submitted	Yes 9/30
6	"	"	"	"			
7	"	"	"	"	Want Council to consider a moratorium on	Moratoriums are regulated by law. There are	Yes 9/30

No.	Where/Who	Source	Received by:	Date	Summary of Comment (letters in entirety located behind log)	Response	Response given?
					any developments in the Bull mountain area that have potential to be a City park until the annexation issue can be decided.	specific processes that must be followed and specific timelines for the moratorium to be granted. While Tigard has authority through the IGA to review development proposals in the Bull Mountain area, it is still a County regulated area and only the County could activate a moratorium	
8	Lisa Hamilton-Treick	e-mail	Mayor, cc to Council	8/30/03	Shocked to learn of fast paced decision on moving forward before the community could gather a strong voice one way or the other. Feels the decision is too important for such a fast pace.	<p>The issue of annexation of the Bull Mountain area has been identified for over 20 years. The recent actions and discussions by the City Council have been occurring for over 2 years, therefore the decision to move forward has not been fast paced.</p> <p>In addition, there are many avenues for public participation planned including small scale "Coffee Talks" with Council members, presentations to civic groups, presentations on the Tualatin Valley Cable station, open houses, flyers, City Hall lobby displays, and published public notices. Watch the City's web site for detailed information (<a href="http://www.ci.tigard.or.us">www.ci.tigard.or.us</a>).</p>	Yes 9/30
9	"	"	"	"	Figures annexation is inevitable but would like to see more benefits like wide walkable sidewalks, underground utilities, landscaping (that is watered), pedestrian friendly street lighting, landscaped medians and safe bike lanes.	<p>The development code requires all new development to underground utilities or pay a fee-in-lieu of undergrounding. Sidewalk widths vary depending on the classification of the road, the widths are specified in the development code. Also required are setback sidewalks with landscape strips and bike lanes.</p> <p>After the Annexation Plan decision is made, the City will begin developing an updated comprehensive plan for the entire community. By participation in this process, you can voice your views on how to make the community more livable.</p>	Yes 9/30
10	"	"	"	"	Questions about what the City would do for	Beef Bend was designed and constructed by	Yes 9/30

No.	Where/Who	Source	Received by:	Date	Summary of Comment (letters in entirety located behind log)	Response	Response given?
					the "poorly designed blight along beef bend."	the County. Once this area and this road are in Tigard jurisdiction, comments for additional improvements are welcome as part of the Capital Improvement Program planning process	
11	"	"	"	"	Feels that pleasant street corridors are as important as parks as a community amenity. Suggests more attention to this detail and perhaps a "welcome to Tigard" monument at each end of 99W to create more community recognition.	If the Annexation Plan is approved and you are included in the community of Tigard, you will have the opportunity to participate in the process to update the comprehensive plan and at that time you can voice your views on how to make the community more livable	Yes 9/30
12	"	"	"	"	Concerned that communication is a big problem. Using Cityscape as a communication vehicle when people on Bull Mountain don't even receive it is wrong.	Additional postal routes will be added to all cityscape issues that have information on the Bull Mountain annexation.	Yes 9/30
13	Lisa Hamilton-Treick	Phone	Julia	9-27-03	Interested in hosting Coffee Talk -- Bull Mountain resident, lives at 13565 SW Beef Bend, work phone 579-1203	Called and told her we would add her name to list and call her when we were ready to schedule coffee talks	Yes
14	Julie Russell	e-mail	Julia/others	9/26/03	Upset that previous e-mail had not been responded to yet.	Promptly sent reply e-mail that said we did not realize she expected a response from us since the e-mail was a copy of a letter to the Board of County Commissioners and she had indicated she wanted to host a coffee talk. Informed her that we would respond promptly now that we were aware.	2 <sup>nd</sup> e-mail, not first
15	"	"	"	"	Police services we feel would decline. According to the Washington County Sheriff's office, the Bull Mountain area only generates 500 calls per year. The Tigard Police receive 16,440 calls per year. So basically we would be subsidizing the citizens of Tigard. As to the Tigard police, they do not have 1.5 officers per 1,000 on current staff. Where would the additional money required to hire and train additional officers come from? Sheriff Gordon feels like our police services would definitely be lowered and is against the annexation. I	Waiting for comment from PD	

No.	Where/Who	Source	Received by:	Date	Summary of Comment (letters in entirety located behind log)	Response	Response given?
					have a report to back up this information if you would like to receive it.		
16	"	"	"	"	Tigard has a budget deficient of several million dollars, why would we want to be annexed into a City with those kind of problems? We do not want to be just an answer to their budget problems.	Tigard does not currently have a deficit in any fund. The City has projected that several funds have the potential of going into a deficit within the next 5 years, however, the City is constantly reviewing the budget and looking at ways to decrease expenditures and maximize revenues.	Yes
17	"	"	"	"	Tigard does not even have the funds to operate the current existing parks. So currently we are looking at no additional parks, and decreased services to the existing parks.	Although Tigard's Parks Division budget has been decreased in the past two-years, it currently has \$844,806 appropriated for operations of its existing parks. Additionally, last year we collected \$407,578 in park SDCs from development which can only be used for capital expenditures. Further, the acquisition and development of additional parks relies on the Park Division's ability to operate its existing parks as well as any new parks that may come on line.	Yes
18	"	"	"	"	Tigard says it will only cost about \$488 per year per household. This is based on homes with a value of \$300,000. Most all of the homes in our neighborhood are worth almost twice that amount. So we are looking at a tax increase of \$800 - \$1000 per year, per household. The additional services we would be getting are none, if anything a major portion of our services would be lowered.	<p>The estimate on additional costs for Bull Mountain residents is based on the ASSESSED value, not the market value. Please refer to your property tax statement to determine your assessed value. To calculate the additional property taxes: take assessed value divided by 1,000. Multiply by 1.6259. Subtract the street light assessment (also on your tax statement). This number is the net increase in your 02-03 tax bill.</p> <p>In regard to service changes, below is an excerpt from the draft Annexation Plan that will be presented to the City Council and County Board of Commissioners on October 7<sup>th</sup>. (included table 3 from Annexation Plan)</p>	Yes
19	"	"	"	"	The Thornwood Development is next to our neighborhood and we have had numerous problems with the developer,	A developer is required to follow the conditions of their land use approval. The City can and does enforce the development code and	Yes

No.	Where/Who	Source	Received by:	Date	Summary of Comment (letters in entirety located behind log)	Response	Response given?
					contractor and the City of Tigard. The developer cut down all kinds of trees that were not allowed, he did not even have a completed Tree Protection Plan (I was told by a city employee it was not even complete) filed with the city before cutting them down. The City fined the developer a small amount that was pocket change for the developer. His response was big deal, he got the trees removed that he wanted. Now those 100 year old trees are either gone, or dead, he moved five old pine trees that are now dead and dangerous. The developer took down the barrier on Winterview and we have had construction trucks using our streets driving through the neighborhood and throwing garbage on the lawns in our neighborhood. When we complained to the City, they put up a temporary barricade, and the developer and contractors still drive up onto the lawn and sidewalks in our neighborhood. The City of Tigard has been quite unresponsive to our concerns. I was told by a city employee that a developer can say whatever they want and promise neighbors all kinds of things, and then do whatever they want, once the development is approved. So much for the neighborhood meetings!	conditions of land use approval. The City can not enforce private agreements that we are not a party to. This is the case in any jurisdiction, including Washington County.	
20	"	"	"	"	If the vote were put to Bull Mountain residents it would fail, our fear is that the City will put it to a vote including the entire City of Tigard. If this happens, it will most likely pass. Why wouldn't the citizens of Tigard want all of Bull Mountain helping to pay their bills? I have spoken with residents in Hillshire, Aspen Ridge, Barrington Heights, Bradley Woods, on	The annexation of the Bull Mountain area will have impacts on the Tigard community. Therefore, the entire community should be included in the decision.	Yes

No.	Where/Who	Source	Received by:	Date	Summary of Comment (letters in entirety located behind log)	Response	Response given?
					133 <sup>rd</sup> , Myers Farm, Pleasant View, Mountain Gate, none of these residents are for the annexation		
21	"	"	"	"	The residents of our neighborhood feel like this is bad timing, and bad public policy. There is no evidence to show this is beneficial to the residents of Bull Mountain, only the City of Tigard. We are a wealthy area, so of course they want our money. But what would we be receiving in return?	Financial projections show that, due to rapid growth, opportunities to provide effective and efficient service decrease over time, which is why timing is critical. The draft Bull Mountain Annexation Plan identifies the following long-term benefits for annexation of the Bull Mountain area (inserted long term benefits from Annexation Plan)	Yes
22	"	"	"	"	The citizens of Tigard believe we do not pay our fair share of the library and parks. Sixty-two percent of the library funds comes from the county, and Cook Park, which is the only park I currently use if five miles away. I'm not sure if the City receives any county funds for the operation of the parks?	<p>The Washington County Cooperative Library system (WCCLS) is paid for by all citizens of Washington County, including citizens of Tigard. This tax only pays 53% towards the operation of Tigard's library, as well as all the other libraries in Washington County. In addition, the remaining 47% is paid for by Tigard residents through their property taxes. WCCLS does not pay for capital improvement projects such as the construction of the new library.</p> <p>Cook park maintenance and operations is solely paid for by Tigard's general fund. The main revenue source of the general fund is property taxes. No County money is received or used for Tigard Parks. Capital improvements are paid for by SDC's collected for new development within the City. Non-residents who utilize the parks are not paying for park operation or maintenance costs or the cost for improvements to the park facilities.</p>	Yes
23	"	"	"	"	Traffic, Traffic, Traffic is a problem on Bull Mountain Road. The Thornwood Development and Alberta Rider Elementary School, and the three additional developments that are in the planning stages are going to add a terrific	The City of Tigard, through Intergovernmental Agreement with Washington County, administers development in the Bull Mountain area. Developments adjacent to major streets are usually required to construct half-street improvements along those streets. However,	Yes



No.	Where/Who	Source	Received by:	Date	Summary of Comment (letters in entirety located behind log)	Response	Response given?
					problem to our small two lane road. There does not seem to be any concern for the additional 1,000 - 2,000 or more trips per day. The City of Tigard does not want to answer any of those questions or how this is going to be addressed. It just seems they want to tax dollars and we will deal with the problem at some time in the distant future. We are not confident that the City will take care of this problem.	<p>the extent of the improvements depends on the size of the development and on the proportionate impact that development has on the transportation system. There are many areas that developed many years ago along Bull Mountain Road that were not required to construct improvements along that street. Because development occurs at random, Bull Mountain Road is not fully improved throughout its entire length.</p> <p>The City is aware of transportation needs throughout the City and unincorporated areas and prioritizes projects based on funding availability and need. There are several available funding sources that may be able to be used for transportation system improvements including county, state and federal funding.</p>	
24	"	"	"	"	What does the annexation do to the county budget?	The City has worked closely with the County on the development of the Annexation Plan and the impacts to the County are included in the draft Annexation Plan.	Yes
25	Carl Koster 590-5090	Phone	Julia	9-29-03	Questions about tax rate changes, parks (what were planned and where), whether a special parks assessment was proposed, and what the Tigard bond included	Provided information on the tax rate changes based on the 2002-2003 tax table. Told him what was planned for parks in the draft annexation plan and that the parks system master plan includes parks facilities in the Bull mountain area. A special assessment is not planned but may be discussed as part of a comprehensive plan update after the decision on annexation is made – will include extensive public involvement. The Tigard bond covers the library. Bond is 13 million with a 20 year debt schedule.	Yes
26	Patricia Swanson	E-mail	Julia	9/29/03	Question about whether annexation would affect school district boundaries	Informed her that annexation would not affect boundaries	Yes
27	Stu Byron	Phone	Jim H	9/29/03	E-mail from Jim "Called about the	None- Jim spoke with him directly on the phone	N/A

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					Cityscape article on the Bull Mt Annexation Plan. He was upset about the biased nature of the article. He stated it should not have appeared before the City Council had reviewed the plan on October 7th. He stated this was also contrary to the communication plan. He wanted to know who reviewed it before it was printed. Also pointing out that an objective group of citizens should review all similar articles before they go out. He asked me not to do anymore articles unless an objective group of citizens review first. He wanted to talk to the Mayor. I had Cathy W call him back with the Mayors phone number. No follow up is necessary.		
28	Don Wallace	E-mail	Julia	9/30/03	As a resident of the unincorporated portion of Bull Mountain I find the Annexation Plan update to be an obvious propaganda device. This is all about tax revenue and nothing else. The services mentioned are hardly worth paying \$400 a month (follow-up e-mail confirmed that he was aware the cost would be yearly, not monthly).	<p>The Oct/Nov Cityscape was provided to Tigard and Bull Mountain residents to insure timely information was provided on the issue of annexation. The information in the Cityscape article was about why Tigard is moving forward and what the process is.</p> <p>I would like to clarify the amount of increase you might anticipate if the annexation is approved. The property taxes are based on the ASSESSED value of your home, not the market value. To calculate the additional property taxes: take assessed value divided by 1,000. Multiply by 1.6259. Subtract the street light assessment (also on your tax statement). This number is the net increase in your 02-03 tax bill.</p>	Yes
29	"	"	"	"	What portion of the population actually uses the Library?	Approximately 60% of the library patronage is from within the Tigard City limits. The remaining patrons come from outside the City limits.	Yes
30	"	"	"	"	We are already being forced to pay \$18,000 out of pockets for a sewer connection we don't need or want. I find it	It is our understanding that Clean Water Services determined a need that sanitary sewer was needed in one area to address and existing	Yes

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					laughable that now the city and county are taking credit for "providing" us with that service. What other "service" that we don't want will we be forced to pay for?	health and environmental problem (it is assumed, from your e-mail I am assuming this is your area).  With annexation, you would receive the following services (attached table 3 from Annexation Plan)	
31	"	"	"	"	What right do the people of Tigard have to tell me the house I bought in unincorporated Washington county should belong in the city Tigard, subject to its rule and taxation?	The annexation of the Bull Mountain area will have impacts on the Tigard community. Therefore, the entire community should be included in the decision.	Yes
32	Stu Byron	e-mail	Julia/Council	9/29/03	Upset that the city council has already proceeded with public outreach program when the information is not even available to the public.	The Cityscape article was intended to provide people with information on what the City was doing with factual data. There were already several articles in the local newspaper on the subject.	Yes
33	"	"	"	"	Plan in place that talked about the availability of the Annexation plan to the public on October 7th or 8th. Why is this happening when this information is not yet available to those to which it concerns the most	The Communications Plan presented to Council states as one of its Goals "to ensure all stakeholders are informed about the issues and process involved in an annexation of the unincorporated Bull Mountain area." The Oct/Nov Cityscape was provided to Tigard and Bull Mountain residents to insure timely information was provided on the issue of annexation. The information in the Cityscape article was about why Tigard is moving forward and what the process is. The focus of the Cityscape insert was about why Tigard is moving forward and what the process is. There will be many opportunities for the public to review and comment on the Annexation Plan itself. The draft plan is now available. Please refer to the City's web site ( <a href="http://www.ci.tigard.or.us">www.ci.tigard.or.us</a> ) for up-to-date information, including the draft Annexation Plan.	Yes
34	"	"	"	"	Cityscape appears very biased toward the annexation. No public involvement - the	The information that was provided is accurate and provides the background as to why the City	Yes

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					article was not reviewed by anyone other than city staff, so how can it be objective without a review by those that are affected by this?	has decided to move forward at this time. There will be many opportunities for public involvement throughout this process. A copy of your e-mail will be forwarded to Council and taken into consideration.	
35	Dot Deffler	Phone	Jerree	10/1/03	Interested in hosting Coffee talk – wants one of the community meetings to be held at the Scholls Heights Elementary School	The meetings have already been scheduled – we will check with Council on 10/7 and get back to her next week.	Yes – but Jerree will call again after 10/7
36	Cashmera McVey 579-8688	Phone	Julia	10/2/03	Wants to learn more about the NPO, CIT, Community Connectors, Tigard beyond tomorrow mentioned in the Cityscape. Thought she read that these groups were involved in the annexation effort and wanted to get involved in those groups as well.	Called to explain what those groups were and that they were not involved in the annexation. Informed her that I would forward her name and number to Liz Newton. Told her to call back if she had additional questions.  10/10/03 - Liz indicated she talked to her and had Jim speak with her about hosting a Coffee Talk	Yes
37	Anonymous	Phone	Julia	10/2/03	Very upset with Bull Mountain annexation proposal. Feels that the law enforcement services are horrible, as are parks. Complains that road department has way too many employees and spends far too much money. Wants to go to Bull Mountain and tell them why they SHOULDN'T be part of Tigard.	None	N/A
38	Norma Bradfish	Phone	Julia	10/3/03	Calling to find out time of City/County meeting on 10/7	6:00 pm on 10/7/03 at City Hall	yes
39	Julie Russell	E-mail	Julia	10/3/03	Additional comments/questions after initial response received:  Most of the residents of Bull Mountain agree that if the City of Tigard could provide parks and upgrade the roads, mainly Bull Mountain road needs to be widened (and the light need to allow more than seven cars at a time to enter Bull Mountain Road from Hwy 99), it would be	There are a variety of funds and fund sources from which to complete projects. The challenge for any jurisdiction is that there are more projects than there is funding availability. Because of this, prioritizations are made, with public involvement, to balance the list of funded projects with the funds available. Because Bull Mountain is not in Tigard, we have not previously included needed park or road improvements in any prioritization process. If	Yes

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					fair to increase our taxes. I still did not see a time line for this to happen. When could the residents expect this?	the area is annexed, project needs for this area will be considered. In addition, the Draft Annexation Plan, if approved, would commit to the capital project planning for the Cache Creek property and to explore opportunities for additional parks adjacent to the Cache Creek site within the 1 <sup>st</sup> year of annexation.  See attached document titled "Russell Follow-up response" for complete response	
40	"	"	"	"	Bull Mountain Plan Draft shows \$36 million needed for the parks and to upgrade the roads. Where would this additional money come from?	Gas tax funds received annually from the State are typically insufficient to address major improvements. In fact, the gas tax rate has not increased in a decade and the net revenue from those funds has not kept pace with the rise in labor and materials costs. The potential gas tax revenue from the Bull Mountain area would therefore be directed towards street maintenance only. The projects would be limited to crack sealing, slurry seals, striping, and pavement overlays. Widening to provide capacity on Bull Mountain Road would not be possible from that funding source.  The Traffic Impact Fee (TIF) collected as part of development is sufficient to pay for approximately 20% of the anticipated development impact and does not come close to providing the funding to construct all the transportation improvements needed in the City. In addition, any improvements constructed by developers on the collectors and arterials are partially deducted as TIF credit from the TIF payments owed. The TIF funds can be allocated for roadway design and possibly for partial land acquisition needed to accommodate the widening. However, the TIF funds collected would have to be supplemented by another funding source to undertake and complete a	Yes

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						<p>major project for widening of Bull Mountain Road.</p> <p>An outside funding source is therefore needed to tie in the half-street improvements and widen Bull Mountain Road to its ultimate width with sidewalks and bike lanes on both sides of the road. That outside source could be the County's MSTIP 4 (Major Street Transportation Improvement Program), which would most likely begin project selection sometime in the next few years. This project would have to be given a high priority by both Washington County and the City of Tigard for the improvements to make the final list for implementation. That could be a negotiation point with the County prior to annexation. Another potential source could be a Citywide transportation bond issue to accelerate major transportation projects throughout the City. The TIF funding could be used to design the project supplemented by bond proceeds for rights-of-way acquisition and construction. Those two funding sources show the most promise at this time for dealing with the improvements to Bull Mountain Road within a reasonable time frame.</p> <p>As for park acquisition and construction costs, options are more limited. SDC charges will not be sufficient to pay for all of the park lands needed in the Bull Mountain area. Other options include Local Improvement Districts (LIDs) to pay for neighborhood parks. In an LID, benefiting properties pay for the costs of improvements and are allowed to pay those costs over an extended period (usually 10 years). This method could work for neighborhood parks but would be inappropriate for regional parks. Another option is a citywide</p>	

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						general obligation bond. Such a bond would have to be approved by the voters of Tigard and would be repaid from a special property tax levy. (This method was most recently used to finance the construction of the new Tigard Library.) Finally, the City would also aggressively pursue grants that could be used for park acquisition and construction.	
41	Shirley (no last name given)	phone	Duane	10/7/03	Totally opposed to annexation. City's claim of high service levels is bogus. She is satisfied with presently available police and library services. She is a Bull Mt. resident who cannot afford higher taxes.	No last name or contact information given in recorded message. Unable to respond.	no
41	Greg McMurry	Phone 692-1122	Duane	10/7/03	Information on road improvements proposed for area, should it be annexed.	According to Gus, city has rated the condition of roads, but not developed an improvement plan for widening or upgrading roads as yet. An exception is the Roshak curve on Bull Mt Road. Straightening of the curve is set for spring 2004 under an IGA with the county.	yes
42	Jim	Phone 643-5065 Shs8320@yahoo.com	Jerree/ (Duane)	10/7/03	Asked about the coffee talks. Said he wanted to have a coffee talk some Saturday at a McMenamin's. Told him the details about having a coffee talk – how many people, on Wednesdays and Thursdays – and about the larger community meetings. "How can you schedule things before Council makes up their minds? This is just one-sided, you've already made up your mind." Demanded to know who was scheduled to have the first coffee talk – wanted their name and address; asked if they were a City employee (didn't give him any information). Accused us of holding secret meetings; thought it was very suspicious to only have talks on Wednesday and Thursday nights. "This is not democratic - it's not the way we	Told him the details about having a coffee talk – how many people, on Wednesdays and Thursdays – and about the larger community meetings.	yes

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					do things in America. If everyone in Bull Mountain votes no and everyone in Tigard votes yes, then Bull Mountain will be destroyed."		
43	Florian Petters, 643-5065	phone	Duane	10/7/03	Satisfied with services provided by county. "City has nothing to offer." Future "gravel pit" park along Barrows will provide nearby park services.	Promised to forward his comments to City Council.	yes
44	Anon.	phone	Duane	10/7/03	Tigard lies to the public all the time. Its police are the worst in the Metro area. They are arrogant, rude, and refuse to help people. The proposed road tax is "ridiculous". Road crews stand around and don't do any work. Trees are being cut everywhere. "I will personally knock on every bull Mt. door and tell them not to go with the city".	No contact information provided by caller.	no
45	Christina Stimpson 579-0107 glry4hm@st arlink.net	Phone	Duane	10/8/03	Bull Mt. resident concerned about county police slow response time, which can be up to one hour. Wishes to be assured that, with annexation, city response time would be faster.	Called Al Orr for his comments. Spoke to and informed caller will provide more detailed information on anticipated response times tomorrow. Later, Al Orr called caller with newly gather response-related data. This data will be included in the new Q & A flier he is preparing.	yes
46	Julie Russel 312-9163	email	Duane	10/9/03	I've called Jerree at the city to schedule a coffee talk in my home. I still haven't heard from anyone. Julie Russell 503-603-9152-h 503-312-9163-c. Please contact me asap, I live in Arlington Heights.	<p>We apologize for the delay in getting back to you. At this time, staff is taking name and contact information from people who are interested in hosting a small-scale coffee talk. This information will be assembled and forwarded to Council. Council wishes to distribute the coffee talks throughout the community. Once council decides on specific locations, we will get back to you.</p> <p>The coffee talks are one communication tool proposed by Council. Council also plans to schedule open house type, large group meeting in the months ahead. The <b>tentative</b> schedule of these informal community meetings is</p>	yes



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						November 19 <sup>th</sup> at Twality Middle School, January 21 <sup>st</sup> at Fowler Middle School, and February 18 <sup>th</sup> at Tigard High School.	
47	Jim Cape	email	Duane	10/9/03	<p>HI,</p> <p>ARE YOU REALLY PLANNING TO DRAG THE CITY'S NAME THROUGH THE MUD, SPOTLIGHT WHAT A BAD DEAL ANNEXATION IS, AND HURT PROPERTY VALUES AND MARKETING FOR THE ENTIRE AREA BY DOING A FORCED ANNEXATION? IF EVERY BULL MOUNTAIN RESIDENT VOTES NO, BUT 51% OF THE MUCH LARGER CITY OF TIGARD VOTES YES, THEN BULL MOUNTAIN IS DESTROYED. THAT IS NOT A VOTE, AN ELECTION, OR DEMOCRACY - IT IS FORCED ANNEXATION. TIGARD WAS INCORPORATED IN THE MID-20TH CENTURY TO AVOID FORCED ANNEXATION. I REQUEST A COFFEE ON A SATURDAY LATE MORNING/EARLY AFTERNOON AT A MCMENAMINS/BAR IN THE AREA. IT WOULD LOOK BAD FOR THE CITY TO REFUSE A COFFEE AND JUST HOLD SECRET COFFEES WITH RIGGED AUDIENCES. TRY TO LIVE UP THE IDEALS OF AMERICA. THANKS! JIM</p>	<p>At this time, staff is taking names and contact information from people who are interested in hosting a small-scale coffee talk. This information will be assembled and forwarded to Council. Council wishes to distribute the coffee talks throughout the community. Once Council decides on specific locations, we will get back to you regarding your request.</p> <p>In order for your request to be considered, you will need to change the location to a Tigard-area residence. Also for your information, Council has decided to schedule the small group coffee meetings on Wednesday or Thursday evenings, with the group size not to exceed twelve residents.</p> <p>The coffee talks are one communication tool proposed by Council. In the months ahead Council also plans to hold open house type, large group meetings. The tentative schedule of these informal community meetings is November 19<sup>th</sup> at Twality Middle School, January 21<sup>st</sup> at Fowler Middle School, and February 18<sup>th</sup> at Tigard High School.</p>	yes
48	Rama Naidu (per e-mail address)	e-mail	Julia	10/13/03	<p>The draft annexation plan on the city web site appear to have deliberately not included the Appendix C (tax rate table). This whole exercise by the City of Tigard is an effort to further increase taxes on residents of Bull Mountain and to subsidize Tigard City.</p>	<p>The intent of the annexation plan is to insure that services are provided to this area in an orderly and efficient manner. Financial projections show that, due to rapid growth, opportunities to provide effective and efficient service decrease over time, which is why timing is critical. I am attaching a copy of Appendix C (the tax table)</p>	Yes

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					If it is otherwise, please let me know		
49	Randie Reed & Susan Hay	e-mail	Julia	10/13/03	Question #1 - I am curious to know why we are spending money to vote on the Bull Mountain annexation, when according to everything I've read, annexation was mandated over 20 years ago. This seems like a waste of taxpayer dollars. Why are we going through this process?	Annexation was not mandated, it was planned for. In 1997, one of the goals of the Citizens Task Force (through the Visioning document) is that "Urban Services are provided to all citizens within Tigard's Urban Growth Boundary and recipients of services pay their share." In 2003, the Tigard Urban Service Agreement was signed by the City, County, and special service districts recognizing Tigard as the appropriate provider of urban services for all residents and business owners within its boundaries and to adjacent unincorporated areas to meet state law. The reason Tigard is moving forward with this issue now is that Tigard and Washington County have identified that opportunities to provide effective and efficient service to the Bull Mountain area will decrease as time goes on. The City of Tigard would like to take advantage of opportunities to locate and develop parks and open spaces on Bull Mountain while land and financial tools are still available. There is also an identified equity concern, for example, residents of unincorporated Bull Mountain enjoy many of the benefits of being in the Tigard community, such as parks and the City library, without paying City property taxes. Although Bull Mountain residents pay for countywide library services through the Washington County Cooperative Library Services (WCCLS) levy, the City of Tigard receives only 53% of the funding for its library from WCCLS funding. The remaining 47% comes from the City's taxpayers. In the event that you have not had an opportunity to review the Oct/Nov Cityscape insert on this subject, I am including a copy for your convenience.	Yes
50	"	"	"	"	Question #2 - Can the City of Tigard force	Public agencies may condemn property for the	Yes

No.	Where/Who	Source	Received by:	Date	Summary of Comment (letters in entirety located behind log)	Response	Response given?
					homeowners to sell their homes or property for parks or greenways? And if so, why the immediate concern for the annexation as a means of getting access to undeveloped areas for parks?	public good, however, there are specific processes that must be followed. Because the Bull Mountain area is not in Tigard's jurisdiction, Tigard could not condemn property at this time. Furthermore, condemnation is a policy choice that Council has not addressed or considered at this time. As for the timing, development in the Bull Mountain area has occurred at a fairly rapid rate, however, no parks system development charges have been charged to new development in unincorporated Bull Mountain because the County does not have a process to assess and collect these fees. As a result, since 1997, \$1.2 million of potential revenue to purchase and develop park land has been lost. In addition, as time passes, the ability to collect system development charges to pay for new parks (fees charged to new development) decreases or is eliminated entirely.	
51	Roger Kadel 590-5100	Phone	Julia	10/13/03	Questioned the area of potential annexation and whether it included the new UGB expansion areas. Also raised concerns about the fairness issue of having the City vote on the issue of annexation of the Bull Mountain area.	The new UGB expansion areas are not included in the annexation. These areas may be annexed at a later date, but the method and time is not known yet.  Comments about fairness of vote will be forwarded to Council.	Yes
52	Julie Russell	e-mail	Julia	10/14/03	Frustrated that we have not responded to comment #46	Informed her that we sent a response, but also attached the original #46 response in case her e-mail did not get through	Yes
53	Marie Johnson	e-mail	Julia	10/16/03	I have been reading about the proposed annexation and I am curious about how this will affect where my children go to school. We are in the proposed annexation area and my district is currently Beaverton. The web site information does not address this issue and it is a big one for us as my son is in Special Ed and is developing a strong bond with his current	No - annexation will not affect school district boundaries. School district boundaries are set by the district and are not directly affected by City/County boundaries.	Yes

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					<p>teachers. Am I to assume if we are annexed, my children will be in the Tigard Tualatin School District? If so, when would this change take affect after the annexation is approved?</p> <p>Responded back after initial response saying that this is a HOT issue in her area and many people are concerned. Strongly suggested we get that information on the web site.</p>	Informed her that web site update will be a top priority.	
54	Carl Koster (590-5090)	Phone	Greer/Julia	10/16/03	Wanted to know the ORS that allows the annexation plan.	ORS 195.220	Yes – left message with wife (1:24)
55	Randy Livingston	Phone	Beth (direct call)	10/21/03	Wanted to know if the Jean Stanley property in area 63 was part of the Annexation Plan; he is her attorney. Wondered why it wasn't included; met with Jim two months ago, who said that in his view, the realistic approach would involve the UGB areas. Mr. Livingston said he must have jumped to conclusions that it would be included.	The UGB sites are not included in the annexation plan because none of the mechanisms allowing subdivision-level development are in place. This includes agreements (service agreements) and the concept plan required by Metro. However, those agreements and mechanisms are all in place for Bull Mountain, allowing the plan to proceed.	Yes – during initial contact.
56	Lisa Hamilton-Treick	Phone	Beth (v. mail on my ext.)	10/22/03	Wanted to know the list of builder/developer fees for city and Bull Mtn. areas. What are the costs that a developer would pay to the City/or County in each case? Assumes only difference is SDCs. Email lisa@hamiltonrealtygroup.com fax; 579-0862; home 579-1203		Forwarded message to Cheryl Caines for response
57	Louie (did not get last name)	Phone	Julia	10/23/03	Has house on market and has had 2 different people back out because of sewer assessment (which he didn't know about) – wanted to find out what was really going on.	Informed him that, because it is not Tigard, the sewer assessment would be through CWS. I provided him with the number at CWS to call to get additional information (846-8621).	Yes
58	Lisa/Jim	email	Duane	10/23/03	Lisa had two questions that I said we		yes

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				3	<p>would follow up on.</p> <p>1. What is the \$ amount on average Bull Mt residents pay towards the library. By comparison what do Tigard residents pay. She did not ask the second part of the question but I think we should know.</p> <p>2. Exactly what are Bull Mt residents going to get for their 10% increase in taxes.</p>	<p>1. Library</p> <p>Bull Mountain property owners pay a portion of County property taxes used to support the Washington County Cooperative Library Service (WCCLS). WCCLS provides funding for about 53% of the Tigard Library's operating costs. However, because unincorporated Bull Mountain represents only a small portion of total Washington County assessed value, Bull Mountain property owners pay only a small portion of the WCCLS funding that comes to the Tigard Library. Bull Mountain's contribution to the Tigard Library is less than 1% of total operating costs. Bull Mountain property owners pay nothing for debt service on the bonds issued to construct the new Tigard Library.</p> <p>By comparison, existing City residents and property owners pay to support the Tigard Library not only through City taxes and fees, but also through the County property taxes they pay. The total share of Tigard Library operating costs existing Tigard residents and property owners pay is over 53%. Tigard property owners also pay the full costs of the debt service on the bonds issued to build the new Tigard Library.</p> <p>2. City Services</p> <p>Should the voters approve Bull Mountain annexation, the City would begin to address park needs within the unincorporated Bull Mountain area. This would include opening the Cache Creek Nature Park to public use, after needed upgrades were carried out, and beginning to plan for other much-needed park</p>	

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						improvements through an open public process. Additional roadside maintenance, including grass and brush mowing, and more frequent road pavement maintenance, also would be seen. Another change important to many residents is that, following an interim staffing-up period to accommodate annexation, additional police officers (1.5 as compared with the present ratio of 1.1 officers per thousand residents) would be assigned to the Bull Mountain area. Citizens also would see more visible patrols due to the higher density of officers per square mile. Specifically, Tigard P.D. has 5 officers per square mile versus the County's one-third of a deputy per square mile. Because Tigard is geographically closer to Bull Mountain, police response time would be reduced as well. Lastly, annexation will allow the city to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community. The existing county-prepared plan was adopted in 1983 and is outdated.	
59	Julie Russell	email	Duane	10/23	<p>Could you please answer what the current ratio of parks and open spaces? The annexation plan states that you will provide 8 acres/1,000 people, but I don't believe you have that for the current population, so how would that be provided if we are annexed?</p> <p>Could you please provide what the current police standard? You say you will provide 1.5 officers per 1,000, but you don't even have that staff for the current population. Again how will you provide that if you don't even provide these services for the current population? I would like current, correct information, not misleading numbers.</p>	<p>With regard to parks, the City's adopted goal is to provide 11 acres of parks and greenway to its residents. The existing ratio of City-owned or managed park and greenway acreage is 7.52 acres per thousand population. The City's current park and greenway inventory is 332 acres. The current population is 44,070. The park service standard, or ratio of parkland to population, is derived by dividing park acreage by population. Should Bull Mountain be annexed, the City would go through an open process to identify the needs of the area and develop a plan to address those needs over time.</p> <p>The Tigard Police currently operate at a staffing</p>	yes

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						level of 57 sworn officers. This equates to 1.3 officers per thousand residents. Additionally, the department employs four full-time Community Service Officers, who provide crime prevention, chronic nuisance abatement, and other services. Should Bull Mountain annexation be approved by the voters, additional Police Officers would be hired to maintain and increase the officers per thousand residents ratio. The Bull Mountain Annexation Plan provides additional information regarding Police and other urban services.	
60	Carl Koster	Phone	Cathy/Julia	10/24/03	Wanted more information on the proposed street maintenance fee and how that would affect Bull Mountain residents.	Fee would be paid by Bull Mountain residents if annexed. The fee is anticipated to be \$2.20 per month for residential properties, payable with the utility bill. Council is expected to vote on the fee on November and pass a resolution with the actual fee amount in early 2004. The fee is not anticipated to change as a result of the annexation because we would then have those roads to maintain as well.	Yes
61	Cherierubenstein	email	Duane	10/25/03	Email received with no message. City response came back four times.	We received an email sent by you and wanted to make sure you were aware that it didn't include a message. Please contact us again should you have an annexation-related question. Thanks	yes
62	"	"	Julia	10/27/03	"found" e-mail text – Being a REALTOR, I would like to obtain information about "Ley Lines" in the Bull Mtn. area, for a client of mine, concerned about the electrical fields in the ground of Bull Mtn. Can you steer me in the right direction to find answers regarding this subject?		
63	"Carolyn Penner" <carolynpenner@comca	e-mail	Council Mail/Julia	10/29/03	I would like to express my dismay at the way the proposed annexation of Bull Mountain is being railroaded through. We who live here (my husband and I live in the	The issue of annexation of the Bull Mountain area has been identified for over 20 years. The current actions and discussions by the City Council have been occurring for over 2 years,	yes

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	st.net>				South area) seem to have little say in the matter.	therefore the decision to move forward has not been fast paced.  Your current e-mail has been forwarded to Council. In addition, there is an open house scheduled for November 19, 2003 at Twality Middle School where you can obtain more information and the Council will be holding a public hearing to get public comments on December 2, 2003 prior to deciding whether to place the annexation plan on the ballot. In the event the Council decides to place the annexation plan on the ballot, two additional open houses are planned for January 21 <sup>st</sup> at Fowler Middle School and February 18 <sup>th</sup> at Tigard High School.	
64	"	"	Julia	10/29/03	. We are continually told that it would be of great benefit to be included in your City limits. The claims being made are that being in the City would help us by having planning and building services, getting better Police protection, better roads, sewers and sidewalks, providing parks, etc., do not seem to ring true. We already have new roads, sewers, and sidewalks, as well as underground utilities, the costs of which are certainly factored into the price of buying our homes and paying for the ever increasing tax assessments	With annexation, you would receive the following services ( <b><i>attached table 3 from Annexation Plan</i></b> )	yes
65	"	"	Julia	10/29/03	Furthermore, your City website claims that Washington County contracted with the City in 1997 to provide planning and building services to the unincorporated area. Why then do we have no parks or any place to put them now in 2003? Just how would you improve this situation? How would being in the City make our lives	Tigard reviews development proposals on Bull Mountain as part of an intergovernmental agreement (IGA) with the County, however the area is still under County jurisdiction. County regulations do not provide for park land or open space as a precondition of development. In addition, the County does not provide park services.	yes



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					any better?	Because Bull Mountain is not in Tigard, we have not previously included needed park or road improvements in any prioritization process. If the area is annexed, project needs for this area will be considered. In addition, the Draft Annexation Plan, if approved, would commit to the capital project planning for the Cache Creek property and to explore opportunities for additional parks adjacent to the Cache Creek site within the 1 <sup>st</sup> year of annexation.	
66	"	"	Julia	10/29/03	Mention is made of the Library. It doesn't make me feel like a part of the community to be required to pay for the construction of a library when I had no choice in the building size, location, or ultimate cost.	<p>If Bull Mountain is annexed into the City, the residents would be in the same position as anyone else who moved to Tigard after May 21, 2002. That is, they may not have voted on the bond measure, but a portion of their taxes helps pay for the bonds, as well as Tigard Library's annual operating expenses. They may not have been involved in the construction of the building, but they may benefit from the new building for decades to come.</p> <p>Tigard has been fortunate to have received strong support from the community over the years---through active use, as well as funding. By sharing the costs of operating the library, taxpayers ensure that library resources and services remain available to the entire community.</p>	yes
67	"	"	Julia	10/30/03	And why would you want to annex the South area first, skipping over the East area which is closer in all respects to Tigard? Could it be that the highly developed South area with its above average priced homes will bring in much revenue and will require few services and improvements? This really makes my life better. I'm so happy that I will be able to	<p>The Tigard City Council decided the annexation plan sequence at its November 4, 2003 meeting. The plan will propose annexing East first (2004), followed by South (2005), and West and North (2006).</p> <p>The draft annexation plan had South as a placeholder based solely on how it scored based on the evaluation criteria from the July</p>	yes

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					pay for improvements needed in poorer and older sections of your city which have been allowed to languish for years	<p>2003 Public Facilities and Services Assessment Report. The evaluation criteria included: service impact (considers adjacency to City, ability to serve the area without reducing services), financial impacts (do potential taxes pay for service needs), remaining growth, proximity to new Urban Growth Expansion areas, and presence of City-owned parkland.</p> <p>With these criteria, the South ranked the highest due to its size and ability to cover its needs. However, that did not take into account other factors, such as the service provision needs. The Council has determined that the East area should be annexed first in part because it has a smaller population and less service needs. This gives departments more time to acquire staff and equipment to serve the more populated areas without a significant reduction in service levels.</p> <p>Now that Council has made the sequencing policy decision, the annexation plan will be finalized. It is anticipated that the annexation plan will be completed by November 18th.</p>	
68	"	"	Julia	10/29/03	In conclusion, I would vote a vigorous no to annexation, unless Tigard can come up with some real benefit to me.	Your comments will be forwarded to Council.	yes
69	"Kerry Koopman" <k2@winnin g.com>	e-mail	Julia	10/30/03	<p>The following are a few comments regarding the proposed annexation of the Bull Mountain area by the City of Tigard:</p> <p>1. Using the Cityscape newsletter that is enclosed in the water bill is an inadequate means of communication. Most folks throw it away since it comes as part of the water bill.</p>	Additional methods of communication is currently occurring and is planned. These include: small scale "Coffee Talks" with Council members, presentations to civic groups, presentations on the Tualatin Valley Cable station, open houses, flyers, City Hall lobby displays, published public notices and mailed public notice to all Bull Mountain residents.	Yes
70	"	"	Julia	10/30/03	2. Your meetings to inform the public are at	There are currently 5 coffee talks scheduled in	Yes

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				3	this time all being held in Tigard and not the area you want to annexation. Doesn't seem as though you want participation by those in Bull Mountain	the Bull Mountain area. When scheduling open houses, we looked at schools closer to Bull Mountain but they were not available on the dates we needed.	
71	"	"	Julia	10/30/03	3. Many people in the north and west areas of the proposed annexation do not use the public library in Tigard but go instead to Beaverton. It has a much better library for business and job search activities	As the largest single library in the Washington County system, Beaverton has developed an excellent business collection. During the past few years, the Tigard Public Library has limited its new acquisitions because of space limitations in the current library. Tigard's librarians are happy to assist patrons with business and job search questions and to help them obtain materials from other libraries if necessary. Through the inter-library loan service, any resident in the county can take advantage of other library's collections and receive materials from any other library in the county at their home library.  When the new Tigard Library opens, staff will have more room to expand our business collection and others. How much the collections are improved will depend upon receiving adequate funding from both the City and the County.	Yes
72	"	"	Julia	10/30/03	4. Many people in the proposed area if annexation have children in the Beaverton Schools who will be going to Conestoga Middle School and Southridge High School. These families are involved with programs put on by the THPRD which is convenient to them. Using the pool for instance at Tigard High doesn't work for those by Barrows Road.	School district boundaries will not change as a result of annexation.	Yes
73	Mr. Franzke	County	Julia	10/30/03	Asked for information on the ORS that allows the proposed method of vote.	Provided him with the ORS citation. Explained that the annexation affected the City of Tigard	Yes

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					Questioned whether it was fair to allow the City to vote on the matter.	residents, not just the Bull Mountain residents and, therefore, they should be included in the vote.	
74	"Ron Stark" <rfstark@comcast.net>	e-mail	Cathy/Julia	10/31/03	Cathy would you please e-mail me the dates and locations where the Bull Mountain Annexation plans will be discussed. Many Thanks, - Ron Stark	<p>Council will review the annexation plan on November 4th (City Hall - 7:30pm) and advise staff of its preferred timing and sequencing option for the Bull Mountain Annexation Plan.</p> <p>On December 2nd, Council will conduct a public hearing (City Hall - 7:30 pm) on the plan and will determine whether to place the plan on the ballot. December 16th is being held as a placeholder in the event Council wants an additional meeting prior to making the final decision about whether to place the plan on the ballot. There is also one open house prior to Council's December decision being held at Twality Middle School on November 19th from 6:30-8:30 pm. Additional open houses are tentatively scheduled for January 21st and February 18th if Council votes to place the annexation on the ballot.</p>	Yes
	Mr. Dick Franzke 692-1350 or 294-9531 (office)	County	Julia	10/31/03	Wanted to know if there had been any legal interpretations on whether the annexation plan process is the appropriate method of annexation for the Bull Mountain area.	Called on 11/3 and explained that ORS specifically states that a CITY or district can use the annexation plan method. He followed up by stating that the ORS language regarding how to count the votes was vague and he asked if there had been any interpretation that we really count the total majority vs both. Told him this is the interpretation we have been operating under and the City attorney has been participating throughout this process.	Yes
75	Julie Russell	email	Duane	10/31	Tigard traffic is a problem everywhere. Currently my understanding regarding the development on Bull Mountain, is that each new development is only considered for the traffic it will generate. If that is less than 1,000 car trips per day, it is not	Development within the Bull Mountain area is guided by the land use plan and development code adopted by Washington County. Tigard, through a 1997 intra-governmental agreement, administers the County's development code standards within unincorporated Bull Mountain.	yes

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					<p>considered significant. This is very wrong, the entire development of Bull Mountain and Tigard should be taken into consideration. Traffic on Hwy. 99 and I-5 is already a terrible problem. Metro has said there are no plans to increase the capacity of Hwy 99 in our lifetimes. So how are they expected to handle an additional 11,000 people, in the next few years of development. We want the development stopped until the roads are at a capacity to handle those additional 20,000 - 50,000 car trips per day.</p> <p>The development needs to be considered as a whole not by each individual development. How is Bull Mountain road going to handle six new developments and a school, which will generate 5,000 - 10,000 new car trips per day. There are no plans on the county or city plans to fix the road from Alberta Rider Elementary down to Hwy 99, or how Hwy 99 will handle this increased capacity.</p> <p>Sherwood, West Linn, Wilsonville, Lake Oswego all have limits on development, why doesn't the City of Tigard, and Washington County.</p> <p>Metro has also said cities and counties have a lot of flexibility on density. We don't have to allow the maximum density. We can demand the minimum.</p> <p>Please respond!</p>	<p>These County standards are the same as those used within the City. (The 1,000 trips a day referred to within your email is not one of these standards.) In general, these standards require that each development provide improvements proportional to the impact of the development.</p> <p>Property can be developed within a range from the minimum to the maximum density. For instance, a majority of land in unincorporated Bull Mountain is zoned R-7 (Residential/ 7 units per acre). As noted above, the City through an inter-governmental agreement administers the County's standards. The development restrictions in place can be changed only with a change of the comprehensive plan policies.</p> <p>Regulating development based on standards tied to an adopted land use plan is similar to the regulatory approaches used in all Oregon cities.</p> <p>We understand the issues of traffic very well - we all travel the same streets. The City cannot, however, penalize the most recent or last development for the impacts of all the previous developments. The City does not and legally cannot deny projects because neighbors do not want to see additional development.</p> <p>As stated in a response to an earlier question emailed by you, developments adjacent to major streets usually are required to construct half-street improvements along those streets. The extent of the improvements depends on the size of the development and on the proportionate impact that the development has on the transportation system. There are many areas along Bull Mountain Road that developed many years ago that were not required to</p>	

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						<p>construct improvements along that street. Because development occurs at random, Bull Mountain Road is not fully improved throughout its length.</p> <p>As also indicated in an earlier response, because of the high cost involved, an outside funding source is needed to tie in the half-street improvements and widen Bull Mountain Road to its ultimate width with sidewalks and bike lanes on both sides of the road. That outside source could be the County's MSTIP 4 (Major Street Transportation Improvement Program), which would most likely begin project selection sometime in the next few years. This project would have to be given a high priority by Washington County and the City of Tigard in order for the improvements to make the final list for implementation. Another potential source could be a City-wide transportation projects bond issue to accelerate major transportation projects throughout the City. These two funding sources hold the most promise at this time for dealing with improvements to Bull Mountain within a reasonable time frame.</p> <p>With regard to HW 99, the Tigard Transportation System Plan recommends widening 99W to 7 lanes, supports the I-5/99W connector as a method of alleviating through traffic, and focuses on improving alternative routes to reduce unnecessary travel on 99W. The widening of 99 is identified in the Regional Transportation Plan. However, funding is dependant on availability and regional priorities.</p>	
76	Lisa H.-T.	email	Duane	11/2	I'm sorry, but I do not believe your remarks to my first question regarding the library directly answer my question. I	The figures you have requested are, in fact, not readily available for a variety of reasons. We have done our best, however, to provide the	yes

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					<p>feel certain those numbers are available and feel strongly the public should receive clear, concrete information.</p> <p>Please sign your response so I know who I am communicating with. Thanks for your time and I look forward hearing back with a real figure.</p> <p>Additionally, how will the bond revenue be adjusted when a collection comes from all of Bull Mtn.? (I have the impression those are "bonus" dollars)</p> <p>Lisa Hamilton-Treick</p>	<p>information you have requested.</p> <p>The County no longer has a separate property tax levy for WCCLS. That levy was folded into the County's permanent property tax rate by Measure 50 in 1997. According to Washington County, the amount of property taxes that used to go to WCCLS was \$0.36 per \$1,000 of assessed valuation. The County has attempted to maintain funding ratios, so for the following calculations, we assume that this is still a valid figure.</p> <p>WCCLS funds all public libraries in Washington County, so that \$0.36 per \$1,000 is spent in Tigard, as well as Beaverton, Hillsboro, Banks, Sherwood, and all other Cities and also at three independent libraries. In FY 2003-04, Tigard is receiving 11% of the WCCLS funding. (This amount varies from year to year according to a complex formula used by WCCLS.)</p> <p>11% of \$0.36 per \$1,000 is approximately \$0.04 per \$1,000 of Assessed Valuation. The average Assessed Valuation (which is separate and distinct from Market Value) on Bull Mountain is about \$195,000. To calculate the average tax bill on Bull Mountain for the Tigard Library, divide \$195,000 by \$1,000, which equals \$195. Multiply \$195 by \$0.04, and you get \$7.80. If your home has an Assessed Value different than the average on Bull Mountain, just substitute your Assessed Value (shown on the property tax statement you should have received recently) and run the calculation.</p> <p>The amount paid by the average Tigard property owner for the Tigard Library is also not readily available. Again, we have made some</p>	

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						<p>assumptions to try to answer your question.</p> <p>The costs of the Tigard Library are paid out of the General Fund of the City. In addition to the Library, the General Fund pays for Police, Parks, Planning, Engineering, Municipal Court, some capital improvements, and a variety of other operations. The General Fund resources include property taxes, franchise fees, business taxes, and a variety of fees, charges, grants, and other sources. We do not track a specific revenue source to a specific operation in the General Fund.</p> <p>For the purposes of this analysis, we will assume that the full cost of the Tigard Library (less the amount paid by WCCLS) is paid by property taxes. The total Tigard Library budget for FY 2003-04 is \$2,035,882. Tigard receives \$1,068,455 from WCCLS to help pay those costs, leaving \$967,427 to be paid by City property taxes. Tigard budgeted to receive \$9,115,977 from property taxes in the General Fund in FY 2003-04. The Library requirements are 10.5% of that amount.</p> <p>Tigard's permanent property tax rate is \$2.51 per \$1,000 of Assessed Valuation. 10.5% of \$2.51 is \$0.26 per \$1,000. In addition, Tigard residents pay Washington County property taxes just like all other residents of the County, including those on Bull Mountain. We therefore have to add the \$0.4 that pays for the portion of WCCLS revenues that comes to Tigard, for a total Tigard property payment for the Tigard Library of \$0.30 per \$1,000.</p> <p>The average Assessed Value in the City of Tigard is closer to \$175,000. Running the same</p>	



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						<p>calculation as shown above, reveals that Tigard properties pay, on average \$52.50 for the operation of the Tigard Library. In addition, Tigard property owners pay taxes for the debt service on the bonds issued to build the new Library. We estimate that tax rate to be \$0.16 per \$1,000. (Although tax bills have been sent out, the County Assessor has not yet provided us with the actual tax rate.) For our average property owner, this equals \$28. The average Tigard property tax payer therefore pays a total of \$80.50 per year for the operation of the Library and the construction of the new library.</p> <p>Once again, if you wish to assume a different average Assessed Valuation, or if you want to make an apples-to-apples comparison to similarly situated tax payers on Bull Mountain and within the City, substitute a different assessed value within these calculations and re-run them.</p> <p>Tigard will not receive any "bonus" money from the Library Bond debt service levy following the annexation of Bull Mountain or any other territory. Voters authorized the City to collect property taxes necessary to pay debt service on the bonds, and no more. Each year, the City identifies the debt service due on the bonds and submits that amount to the County Assessor. The Assessor determines how much needs to be collected from all property tax payers within the City to collect that amount of money. If City boundaries are expanded, that amount is spread over a wider base. No additional money is collected.</p> <p>This information was developed by the City Finance Director, Craig Prosser. We prefer that</p>	

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						all communications on this subject be routed through our existing e-mail address and process, however, so that we can track the responses to your enquiries to make sure we respond in a timely manner and to make sure that any information is readily available to other people who might raise the same questions. Centralizing these communications allows us to build a file of questions and responses.	
77	Keshmira McVey	In-person	Jim/Jerree	11/3/03	Requested copy of the TUSA	Provided a copy	Yes
78	Dick Franske	Phone/in-person	Counter/Julia	11/3/03	Requested copy of TUSA and fiscal impact agreement between County and City	Called and told him we would leave copies of the TUSA at the front counter and that the Annexation Plan explains why the fiscal impact agreement is not required.	Yes
79	Ellen Kaeding	Email	Duane	11/4/03	My Bull Mtn. neighborhood is already annexed into city of Tigard. How will this affect my taxes? Have I been paying for parks all these years?	The general government taxes of homeowners already located within the city would not be affected by the annexation of Bull Mountain, should it occur. The library bond measure portion of property taxes would go down in the event of annexation. This is because the debt service on the bonds issued to build the new Tigard Library would be spread among more taxpayers. Park maintenance and operations are support by the City General Fund. The main revenue source is the City property tax. The City tax rate is 2.5131 per \$1,000 of assessed value. The primary funding source for developing and improving parks is the Park System Development Charge (SDC) imposed on new development. It is collected when a building permit is issued. The current amount of the park SDC imposed on a new single family house is \$1,747. By law, the City can collect the park SDC on new develop occurring within	yes

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						the city limits only. The City would begin to collect the park SDC on new development within the unincorporated Bull Area, if it were to become part of the City. SDCs collected within the area would be used to finance future Bull Mountain park improvements.	
80	Mrs. Miner	Phone	Julia	11/10/03	Opposed to annexation. She is a senior on a fixed income. Questioned increase in taxes to make sure she had calculated correctly. Had many questions about the Tigard library. Doesn't feel that Tigard has much to offer – she goes out of her way to avoid shopping and driving in Tigard, especially along 99W.	Responded to questions using comment log data previously supplied.	yes
81	Allie Draper <allie.d@att.net>	e-mail	Julia	11/10/03	I will not be able to attend the meeting on November 19, Th regarding annexation of Bull mountain (to which I am opposed) Is there any info you can email to me regarding this proposal	Probably the best way to get all the information you may want is to go to the City web site at <a href="http://www.ci.tigard.or.us">www.ci.tigard.or.us</a> and click on the Bull Mountain annexation site (towards the top of the page) - from this site, you can get answers to frequently asked questions, obtain a copy of the draft annexation plan, read press releases with updates, etc. If you have problems getting information from this site, e-mail back and we can attach any requested information. Thank you for your inquiry!	yes
82	Charles F. Radley telephone (503)-579-4686	e-mail and phone	Jerree		Would like to participate in any upcoming "Coffee Talks" about the annexation, Please inform me times and places, thanks	Jerree informed him that coffee talks were invitation only, however she contact the hostess for 11/13 and indicated that he would like to attend. The hostess agreed and he was informed.	
83	<RONBAK@aol.com>	e-mail	Julia	11/12/03	What is the assessed value of the property that would be annexed within the bull mountain area. What added millage would be applied to that tax base the first year, and what improvements within the bull Mt. area would be forthcoming from that added revenue to the city.???		

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84	Anonymous (same lady and message as comment # 37 and #44)	Phone	Julia	11/12/03	Very upset with Bull Mountain annexation proposal. Feels that the law enforcement services are horrible, as are parks. Complains that road department has way too many employees and spends far too much money. Wants to go to Bull Mountain and tell them why they SHOULDN'T be part of Tigard.	None	N/A
85	Jamie and Tim Meyer 524-9503	phone	Julia	11/13/03	Wanted to know when next coffee talk was  Also wanted to respond to quote in paper from Councilor Sherwood – they are happy to give up library card or pay additional fees if it means they will not have increased property taxes.	Called to inform them of Coffee Talk process, told them I would forward their name and number to Jerree to see if they could attend the December 10 <sup>th</sup> coffee talk or to offer to host their own. Also told them about the open house next week.  Comment to Council will be forwarded in weekly activity report.	Yes
86	Ernie Plucade 579-7929	Phone	Duane	11/17/03	What is the city's bonded tax rate?	The bonds issued to build the new library are the only bonded portion of the city's tax rate. In FY 03/04 the amount is \$0.16 per \$1,000 of assessed value. For an average property owner with an assess value in the City of Tigard of \$175,000 this equals \$28. The rate changes yearly based on the bond debt schedule and assessed values. If annexation were to occur, the bonded indebtedness would be spread over a wider base.	yes
	Lisa Hamilton-Treick	e-mail	Jim	11/9/03	Jim, I just want to express some frustration and maybe a misunderstanding I had regarding "How" Bull Mtn. would be annexed. When Keshmira and I met with you and Liz last Monday we expressed a sincere desire to give the citizens a voice in how the area would be brought in, if annexation were to occur (ie, all at once, or one or two areas at a time). You seemed to acknowledge that it was an issue that was important to	To follow up on your e-mail, the City of Tigard along with Washington County, are actively attempting to involve the whole community in the discussions on the Bull Mountain Annexation Plan. The direction City of Tigard Council has set leading to the December 2, 2003 public hearing necessitates an ambitious schedule.  Council's direction on November 4, 2003 was necessary to allow time for the staff report to be	Yes

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					<p>bring up at the Nov. 19th public meeting. However, you didn't mention that the vote was to be taken by the City Council the next evening on that very decision. I'm confused. Why didn't you mention it was going to vote the next day and why was it so important that a decision be made for the staff report that evening. Was that a legal requirement? Don't you see where those of us impacted by the Council's decision should be contributing to that process? Brian Moore didn't seem to mind how it happened, but trust me, it makes a huge difference to those making 18% higher property tax payments next year.</p> <p>Also, it seems very contrived that the two week notice to Bull Mtn. residents regarding the upcoming 12/2 Council decision won't go out in the mail in time for residents to attend the only public meeting held prior to the 12/2 Council meeting. It seems only appropriate that those notices would go out in time for people to attend on 11/19 and would also receive notice of those dates in their mailing. I ask you to please see that those notices are mailed in time for residents to attend the 11/19 public meeting.</p> <p>Please confirm the format for the meeting. As we discussed, there very much needs to be an open forum with a large amount of question and answer time. I firmly believe the City needs to prepare to hear questions they have not even considered. How can they possibly prepare answers... they have not yet even heard the questions. The table set-ups around</p>	<p>completed, notice prepared and mailed, preparation of the ballot title, etc. This preparation is all leading to the December 2, 2003 public hearing at which time Council, after considering public testimony, will determine whether to adopt the Annexation Plan and proceed with an election on the issue. I am sorry for any oversight on my part. You attended the November 4, 2003 Council meeting and were present for their discussion and direction, which were necessary to complete the steps mentioned above.</p> <p>The issue of an 18% property tax increase resulting from annexation was mentioned in your e-mail. The accurate increase is 7.3% for properties within the Beaverton School District and 7.8% for properties within the Tigard/Tualatin School District.</p> <p>State law is clear on what notices must be provided. In addition to the public hearing notices that were mailed on November 13, 2003 and area postings, considerable press has occurred. Notice has been given in the Cityscape, Focus on Tigard, and announced at numerous meetings. Also, legal notices will be published in the Oregonian (November 18<sup>th</sup> and 25<sup>th</sup>) and Tigard Times (November 20<sup>th</sup> and 27<sup>th</sup>).</p> <p>The format for the open house on November 19<sup>th</sup> will basically your suggestion, with one short presentation occurring at 7:00 p.m. Elected officials from Washington County and the City of Tigard along with various staff members will be attending the open house.</p> <p>As an involved citizen, you have the right to ask</p>	

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					<p>the room should be information areas, but secondary to an opportunity for citizens to be heard and have their questions answered, or receive an assurance that someone will be back to them with an answer. At our meeting last Monday I left with the impression you and Liz agreed to this format.</p> <p>The annexation notices are in the weeds under the powerlines on Bull Mtn. They blew down shortly after being installed. There is inadequate notification happening here.</p> <p>Jim, I can imagine you find the inquiries from myself and the Bull Mtn. advocacy group an annoyance. Our concerns for the future of Tigard and Bull Mtn. are sincere and well founded. I ask for your genuine attention to these very serious issues as part of your responsibility to the citizens of my community.</p>	<p>questions and we need to respond. Neither my staff nor I find your questions annoying. The dialogue is important; when it stops, something is amiss.</p>	

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF December 2, 2003

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Conduct a Public Hearing on a Proposed Ballot Measure for the March 9, 2004, Election Regarding the Bull Mountain Annexation Plan

PREPARED BY: Cathy Wheatley DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Shall the City Council approve the Ballot Measure for the March 9, 2004, election for voters to consider the Bull Mountain Annexation Plan?

STAFF RECOMMENDATION

Conduct the public hearing on whether to forward the proposed ballot measure to voters on March 9, 2004 as set forth in the proposed resolution.

INFORMATION SUMMARY

The City Council will conduct a public hearing on the Bull Mountain Annexation Plan on December 2, 2003. If the Council approves the Bull Mountain Annexation Plan, then a second hearing will be conducted on the proposed ballot measure that would be forwarded to voters for their consideration of the Annexation Plan. The attached resolution, if approved, would direct the City Recorder and other staff to take the necessary steps to place the measure on the March 9, 2004, ballot for consideration by voters in the City of Tigard and voters in the area proposed for annexation.

OTHER ALTERNATIVES CONSIDERED

1. Deny the resolution.
2. Amend the resolution.
3. Delay consideration of the resolution.

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## VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management – Goal #2 – Urban services are provided to all citizens within Tigard’s urban growth boundary and recipients of services pay their share. Strategy #1 – Adopt criteria that outlines when and under what circumstances areas on Bull Mountain will annex.

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## ATTACHMENT LIST

1. Proposed Resolution
  - Exhibit A – Map of the area proposed for annexation.
  - Exhibit B – Explanatory statement to be submitted to Washington County for the Voter’s Pamphlet

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## FISCAL NOTES

City of Tigard will need to pay for its proportionate share of the costs for this election, which will be determined by the number of measures filed by other jurisdictions in Washington County.



CITY OF TIGARD, OREGON

RESOLUTION NO. 03-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD SUBMITTING TO THE VOTERS OF THE CITY OF TIGARD AND TO VOTERS IN THE AREA PROPOSED FOR ANNEXATION BY THE BULL MOUNTAIN ANNEXATION PLAN A PROPOSAL TO ANNEX THE BULL MOUNTAIN AREA IN PHASES AS PROVIDED IN THE BULL MOUNTAIN ANNEXATION PLAN

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WHEREAS, a public hearing was held December 2, 2003, to receive public input on a proposed Bull Mountain Annexation Plan; and

WHEREAS, the City Council has approved the Bull Mountain Annexation Plan; and

WHEREAS, the area proposed for annexation is within the Urban Growth Boundary of the City of Tigard;

WHEREAS, after due consideration, the Tigard City Council decided to forward a proposed ballot measure to the voters.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: An election is hereby called in and for the City of Tigard and the area proposed for annexation in the Bull Mountain Annexation Plan for the purpose of submitting to the legal voters the following question:

Shall the City of Tigard annex the Bull Mountain area in phases as provided in the Bull Mountain Annexation Plan?

SECTION 2: Tuesday, March 9, 2004, is hereby designated as the date for holding the election for the purpose of voting on the measure as stated in the above paragraph.

SECTION 3: The election will be conducted by the Washington County Elections Department.

SECTION 4: The precincts for said election shall be and constitute all of the territory included within the corporate limits of the City of Tigard and within the area proposed for annexation in the Bull Mountain Annexation Plan as shown in the attached map (Exhibit A)

SECTION 5: The ballot title to appear on the ballots shall be:

**CAPTION**

A measure expanding the Tigard City limits by phased annexation.

**QUESTION**

Shall the City of Tigard annex the Bull Mountain area in phases as provided in the Bull Mountain Annexation Plan?

**SUMMARY**

Approval would annex territory to Tigard in phases:

Phase 1 (East) - Effective July 1, 2004: Generally north of Beef Bend Road; east of Mountain Gate subdivision; south of existing City limits.

Phase 2 (South) - Effective July 1, 2005: Generally west of the eastern edge of Mountain Gate subdivision, north of Beef Bend Road; east of SW 150<sup>th</sup>; south of Sunrise Lane and existing City Limits.

Phase 3 (North/West) – Effective July 1, 2006: Generally south of Barrows, east of the western edge of Kerron's Crest subdivision, north of the southern edge of Meyer's Farm subdivision; east of City limits (existing plus Phase 2). Includes islands within existing City. Also including an area west of Meyer's Farm subdivision to line extended south from western edge of Kerron's Crest subdivision.

SECTION 6: The Council adopts the Explanatory Statement for the measure that is attached to this Resolution (Exhibit B).

SECTION 7: The City Recorder and other staff shall take all necessary steps to effectuate this resolution.

SECTION 8: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2003.

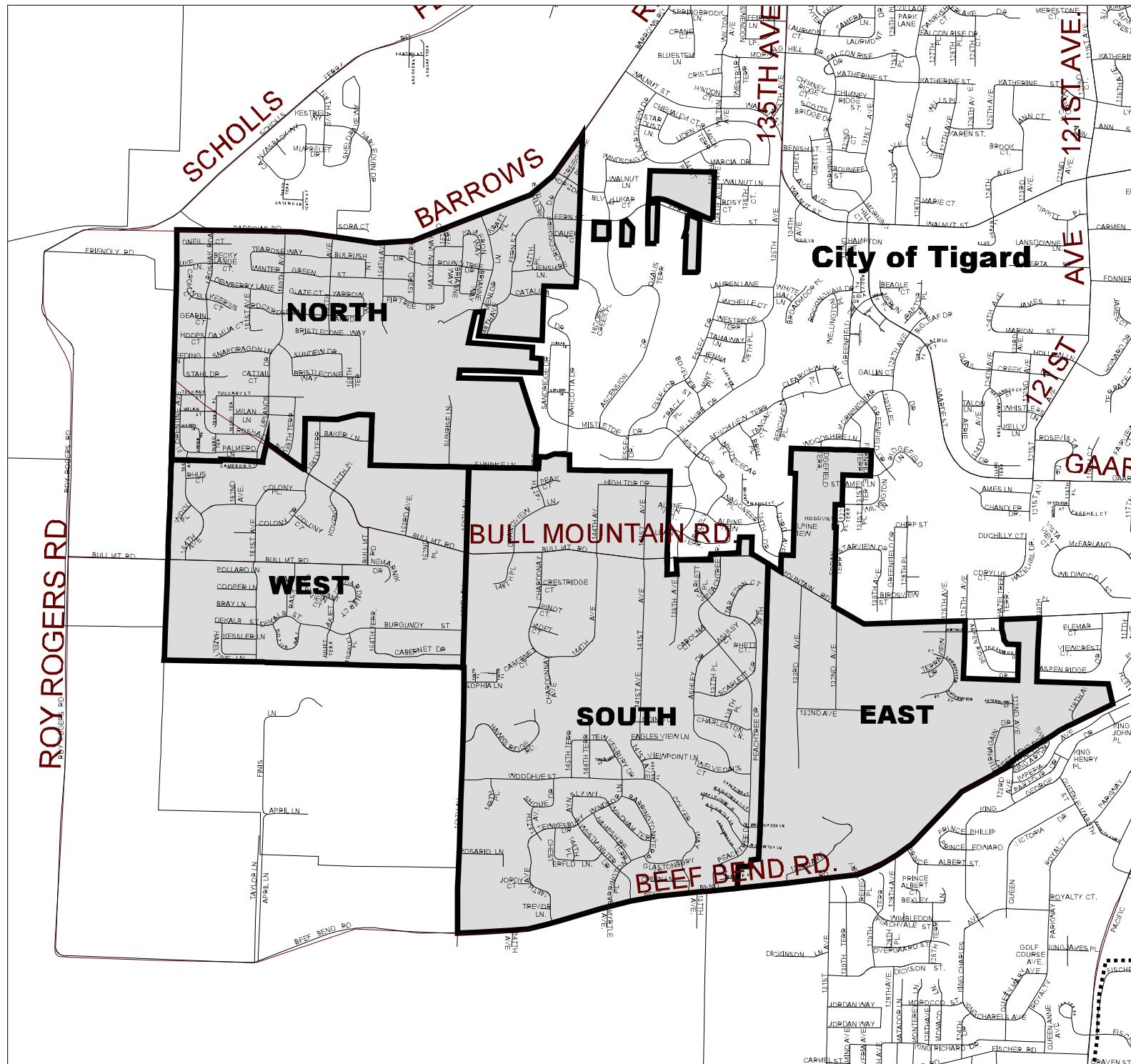
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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard



CITY of TIGARD

GEOGRAPHIC INFORMATION SYSTEM

# VICINITY MAP BULL MTN. ANNEXATION PLAN

 PLAN AREA



0 500 1000 1500 2000 2500 Feet

1"= 1808 feet



Information on this map is for general location only and should be verified with the Development Services Division.  
13125 SW Hall Blvd  
Tigard, OR 97223  
(503) 639-4171  
<http://www.ci.tigard.or.us>

## EXPLANATORY STATEMENT (500 Words)

This measure, if a majority of all of the votes cast in the territory and the city favor the annexation plan, would annex the Bull Mountain area into Tigard in phases as provided in the Bull Mountain Annexation Plan. The area is within the Urban Growth Boundary. On annexation, the annexed area would be withdrawn from the Tigard Water Districts and police and street services would be provided by Tigard rather than the County.

Annexation, if approved, would be in the following three phases:

Phase 1 (East) - Effective July 1, 2004: Generally located north of Beef Bend Road; east of the Mountain Gate subdivision; south of Bull Mountain Road including parcels north of Bull Mountain Road; west of Aspen Ridge and Helm Heights subdivisions.

Phase 2 (South) - Effective July 1, 2005: Generally located north of Beef Bend Road; east of SW 150<sup>th</sup>; south of Sunrise Lane extended east to, and including, the High Tor subdivisions, south to Bull Mountain Road (including two parcels north of Bull Mountain Estates); and west of the Mountain Gate subdivision.

Phase 3 (North/West) – Effective July 1, 2006: Generally bounded by Barrows on the north to Kerron's Crest subdivision, south to about 630 ft. west of Meyer's Farm subdivision; east to SW 150<sup>th</sup>; north along SW 150<sup>th</sup> to Sunrise Lane; east until just south of Pacific Crest subdivision; north along the east boundary of Hillshire Creek Estates; north to Bonneville Power Administration (BPA) easement to Barrows. Includes unincorporated Fern Street parcels.

Annexation would result in a property tax increase of approximately 6% to 8.5% within the area to be annexed. For example for a property with an assessed value of \$250,000 would experience a property tax increase of \$282. Other charges may also increase. The annexation would create an increase in revenue to the City of Tigard, but the City would have higher operating costs. Increased revenue to the city includes additional state shared revenues, system development charges, traffic impact fees, franchise fees and property taxes.

Annexation of the Bull Mountain area would not impact service levels for existing city residents. Newly annexed residents would receive:

1. A higher standard for police services. The City Council has traditionally authorized our staffing at 1.5 officers per 1,000 (currently it is 1.3 officers per 1,000), compared to the current 1 officer per 1,000 provided by the County in the Bull Mountain area.
2. Broader civic participation and voting power in the affairs of the City of Tigard.
3. A process to provide more traffic calming.

4. Road maintenance improvements including roadside mowing and more frequent maintenance on roads where jurisdiction is transferred from Washington County to the City of Tigard.
5. Park system planning, land acquisition and park development.